79-18 164TH STREET REZONING
APRIL 20, 2022

1. INTRODUCTION

Dr. Mikhail Kantius (the "Applicant") proposes a zoning map amendment to rezone Queens Block 6857, Lots p/o 34, p/o 36, 51, 52, 53, 61, 62, 64, 65, 67, 69, p/o 71 and p/o 72 (the "Project Area"). Lots p/o 61, p/o 62, 64, 65, 67, 69, p/o 71 and p/o 72 are proposed to be rezoned from an R4/C1-3 zoning district to an R4/C2-3 zoning district. Lots p/o 34, p/o 36, 51, 52, 53, p/o 61 and p/o 62 are proposed to be rezoned from an R5D/C1-3 zoning district to an R5D/C2-3 zoning district. The Project Area is in the Hillcrest neighborhood of Queens Community District 8. The proposed rezoning would facilitate the legalization of a Use Group ("UG") 9 medical research laboratory at 79-18 164th Street, Block 6857, Lot 62 (the "Development Site") and would make conforming an operating health club.

2. BACKGROUND

The Project Area was rezoned from an R3-2/C1-2 zoning district to R5D/C1-3 and R4/C1-3 zoning districts in June 2006 as part of the Jamaica Hill/Hillcrest Rezoning (C 060337 ZMQ). The Jamaica Hill/Hillcrest Rezoning slightly expanded residential housing opportunities along a small section of Union Turnpike within the Project Area and to the west of the Project Area. This rezoning also limited those opportunities for residential housing along local streets in the surrounding area. Further, this rezoning narrowed the depth of commercial overlays and decreased the amount of parking required by changing C1-2 zoning district overlays to C1-3 zoning district overlays, including over the Project Area. From 1961 till the Jamaica Hill/Hillcrest Rezoning the Project Area was zoned as an R3-2/C1-2 zoning district.

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located in the Hillcrest neighborhood within Queens Community District 8. The uses along the side streets off of Union Turnpike are predominantly one- and two-family homes. Along Union Turnpike and 164th Street, low-rise commercial buildings predominate with some mixed-use, community facility, and multi-family residential buildings.

Zoning
The area within a 600-foot radius of the Project Area (the "Surrounding Area") is zoned R2, R4, R5D, R3-2, R3A, R2A, C2-2, C1-3, and C1-2.

R2
R2 zoning districts permit only single-family detached residences with a floor area ratio ("FAR") of 0.5 and certain community facility uses with an FAR of 1.00. Residential buildings must provide an open space ratio of 150 percent, while community facilities have a maximum lot coverage of 60 percent for corner lots and 55 percent for through lots. Maximum height and setback is governed by a sky exposure plane starting 25 feet above the front yard line. Accessory residential off-street parking is required for each dwelling unit.

C2-2, C1-3, and C1-2
C2-2, C1-3, and 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. C2 zoning districts permit a slightly wider range of uses than C1 zoning districts, such as funeral homes and repair services. 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.

R3-2
R3-2 districts are general residence districts that allow a variety of housing types. It is the lowest density zoning district in which multiple dwellings are permitted. Because of their flexibility, R3-2 districts are mapped widely in all boroughs except on the island of Manhattan. They are contextual residential districts which allow for a maximum FAR of 0.5 (FAR may be increased up to 20% for an attic allowance). R3-2 districts require a minimum front yard of 15 feet, a minimum rear yard of 30 feet, and permit a maximum height of 35 feet. Detached one- and two-family houses must have two side yards totaling thirteen feet with each at least five feet wide. Other buildings require two, eight-foot side yards, with special requirements for lots with abutting buildings and lots with aggregate width of street walls exceeding 80 feet. One off-street parking space is required for each dwelling unit.

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. Maximum lot coverage is 45% and the maximum FAR is 0.75 (plus a 0.2 or 20% attic allowance). The perimeter wall maximum height 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 all other building types, one eight-foot side yard is required. The parking requirement for R4 zoning districts is 100% (one space per unit). In addition, R4 zoning districts permit use of the infill zoning provisions at a maximum FAR of 1.35 at a height limit of 35 feet.

R5D
R5D zoning districts are contextual residential districts characterized by low-density, multi-family housing and serve as a transition between low-density one- and two-family districts and moderate-density multi-family zoning districts. Within an R5D district, the maximum permitted FAR is 2.0 and the maximum permitted building height is 40 feet. R5D districts require a minimum front yard of five feet (which must be at least as deep as one adjacent front yard and no deeper than the other, but need not exceed 20 feet) and a minimum rear yard of 30 feet. Side yards are not required for lots less than 30 feet wide. For lots at least 30 feet wide, zero lot line buildings require one side yard at least eight feet wide, and a minimum of eight feet is required between buildings on adjacent zoning lots. Off-street parking, which is not permitted in front of the building, is required for 66% of the dwelling units.

R3A
In R3A zoning districts, residential development is limited to one- and two-family detached houses. The minimum lot size and lot width requirements for detached buildings are 2,375 square feet and 25 feet respectively. Buildings may be detached or zero lot line buildings with a minimum aggregate side yard width of eight feet. The maximum FAR is 0.5. A perimeter wall may rise to 21 feet, and the maximum building height is 35 feet. One vehicular parking space is required per dwelling unit.

R2A
In R2A zoning districts, residential development is limited to one-family detached houses. The minimum lot size and lot width requirements are 3,800 square feet and 40 feet. The maximum allowable FAR is 0.5. The maximum building height is 35 feet with a maximum perimeter wall height of 21 feet. Two side yards, with a minimum aggregate width of 13 feet and a minimum individual width of five feet, are required. There is also a 15-foot minimum front yard requirement and the front yard of new buildings is required to be as deep as an adjacent yard up to a depth of 20 feet. The maximum lot coverage under R2A is 30 percent. One vehicular parking space is required per dwelling unit.

Land Uses and Prevailing Built Form
The land uses within the Surrounding Area consist of a variety of uses, including residential, commercial, and public facility uses, as well as parking facilities. However, the Surrounding Area is primarily comprised of one-, two-, and three-story residential single- and multi-family buildings. Local commercial uses can be found in the Project Area and Surrounding Area along 164th Street and Union Turnpike.

There are several major institutions around the Project Area. Approximately half a mile to the east of the Project Area is the Queens campus of St. John's University, a private university with approximately 20,000 undergraduate and graduate students. Approximately a fifth of a mile south of the Project Area is the Queens Gateway to Health Sciences Secondary School, a high school with a 640-seat capacity. Approximately a third of a mile south of the Project Area is the Queens Hospital Center, a major hospital and healthcare complex that was formed in 1952 through the merger of three hospitals.

There are several major thoroughfares in and around the Surrounding Area. Union Turnpike, a wide street (140 feet) with four lanes of traffic and two parking lanes, bounds the Project Area to the north. It runs from Myrtle Avenue in Forest Park to the Queens-Nassau border in Glen Oaks. 164th Street bounds the Project Area to the east. It is a wide street (120 feet) that runs from Pidgeon Meadow Road in Flushing to Jamaica Avenue in Jamaica. Grand Central Parkway is a major highway, approximately one third of a mile south of the Project Area, that bisects Queens.

Mass Transit
Stops for the Q46 (running from Glen Oaks to Forest Hills) and Q65 (running from Jamaica to College Point) local bus routes are located within one block of the Development Site. Further, numerous express bus routes stop in the Surrounding Area, including the QM1 (Fresh Meadows to Midtown), QM5 (Glen Oaks to Midtown), QM6 (Lake Success to Midtown), QM7 (Fresh Meadows to the Financial District), QM8 (Glen Oaks to the Financial District), QM31 (Fresh Meadows to East Midtown), QM35 (Glen Oaks to East Midtown), and QM36 (Lake Success to East Midtown). Finally, three quarters of a mile south of the Project Area the NYCT F train runs under Hillside Avenue and the Jamaica transit hub is approximately one mile beyond that.

4. DESCRIPTION OF THE PROJECT AREA

The Project Area includes Queens Block 6857, Lots p/o 34, p/o 36, 51, 52, 53, 61, 62, 64, 65, 67, 69, p/o 71 and p/o 72. Currently lots p/o 61, p/o 62, 64, 65, 67, 69, p/o 71 and p/o 72 are zoned R4/C1-3 and Lots p/o 34, p/o 36, 51, 52, 53, p/o 61 and p/o 62 are zoned R5D/C1-3. The Project Area is bounded by Union Turnpike (north), 164th Street (east), 162nd Street and the centerline of Block 6857 (west), and a line running parallel to, and 100 feet to the south of, Union Turnpike as well as the center line of 81st Avenue (south).

- The Development Site consists of Block 6857, Lot 62 (79-18 164th Street). The lot area is approximately 4,000 sq. ft. and is used for offices, an ambulatory healthcare facility, and a medical research laboratory. The UG 9A medical research laboratory use has been present for approximately 30 years. It is an interior lot with approximately 40 feet of frontage on 164th Street. The site currently is improved with an approximately 4,000 sq. ft. (1.0 FAR) two-story building built around 1983.

- Block 6857, Lot 34 (80-11 162nd Street) is an approximately 2,442 sq. ft. improved lot used for a two-and-a-half-story one-family residential building, with approximately 1,284 sq. ft. of floor area (0.53 FAR). It is an interior lot with approximately 24.5 feet of frontage on 162nd Street and was built around 1920.

- Block 6857, Lot 36 (214-38 Hillside Avenue) is an approximately 2,400 sq. ft. improved lot used for a two-and-a-half-story one-family residential building, with approximately 1,284 sq. ft. of floor area (0.53 FAR). It is an interior lot with approximately 24 feet of frontage on 162nd Street and was built around 1920.

- Block 6857, Lot 51 (162-02 Union Turnpike) is an approximately 1,932 sq. ft. improved lot used for a three-story mixed-use residential and UG 6 commercial building, with approximately 3,916 sq. ft. of floor area (2.03 FAR) and two dwelling units. It is a corner lot with approximately 25.5 feet of frontage on Union Turnpike and approximately 75.5 feet on 162nd Street and was built around 1950.

- Block 6857, Lot 52 (162-04 Union Turnpike) is an approximately 2,555 sq. ft. improved lot used for a two-story mixed-use residential and commercial building, with

approximately 3,036 sq. ft. of floor area (1.19 FAR). It is an interior lot with approximately 30 feet of frontage on Hillside Avenue and was built around 1942.

- Block 6857, Lot 53 (162-20 Union Turnpike) is an approximately 13,360 sq. ft. improved lot used for a three-story UG 6 commercial and UGs 3 and 4 community facility building, with approximately 34,000 sq. ft. of floor area (2.54 FAR). It is a corner lot with approximately 149 feet of frontage on Union Turnpike and approximately 103 feet on 164th Street and was built around 2009. The Jamaica Hill/Hillcrest Rezoning added an E designation to this site.

- Block 6857, Lot 61 (79-14 164th Street) is an approximately 2,000 sq. ft. improved lot used for a one-story UG 6 commercial building, with approximately 1,600 sq. ft. of floor area (0.8 FAR). It is an interior lot with approximately 20 feet of frontage on 164th Street and was built around 1934.

- Block 6857, Lot 64 (79-20 164th Street) is an approximately 2,000 sq. ft. improved lot used for a one-story UG 6 commercial and UG 4 community facility building, with approximately 2,240 sq. ft. of floor area (1.12 FAR). It is an interior lot with approximately 20 feet of frontage on 164th Street and was built around 1930. The Jamaica Hill/Hillcrest Rezoning added an E designation to this site.

- Block 6857, Lot 65 (80-22 164th Street) is an approximately 2,800 sq. ft. improved lot used for a one-story UG 6 commercial building, with approximately 1,120 sq. ft. of floor area (0.4 FAR). It is an interior lot with approximately 40 feet of frontage on 164th Street and was built around 1934. The Jamaica Hill/Hillcrest Rezoning added an E designation to this site.

- Block 6857, Lot 67 (80-26 164th Street) is an approximately 3,200 sq. ft. improved lot used for a one-story UG 6 commercial building, with approximately 1,400 sq. ft. of floor area (0.44 FAR). It is an interior lot with approximately 20 feet of frontage on 164th Street and was built around 1934. The Jamaica Hill/Hillcrest Rezoning added an E designation to this site.

- Block 6857, Lot 69 (80-30 164th Street) is an approximately 6,000 sq. ft. improved lot used for a two-story UG 6 commercial building, with approximately 5,552 sq. ft. of floor area (0.93 FAR). It is an interior lot with approximately 60 feet of frontage on 164th Street and was built around 1969. The Jamaica Hill/Hillcrest Rezoning added an E designation to this site.

- Block 6857, Lot 71 (80-34 164th Street) is an approximately 1,767 sq. ft. improved lot used for a two-story two-family residential building, with approximately 1,729 sq. ft. of floor area (0.98 FAR). It is an interior lot with approximately 17.5 feet of frontage on 164th Street and was built around 1950.

- Block 6857, Lot 72 is an approximately 1,725 sq. ft. improved lot used for a two-story two-family residential building, with approximately 1,729 sq. ft. of floor area (1.0 FAR). It is an interior lot with approximately 17.5 feet of frontage on 164th Street and was built around 1950.

5. DESCRIPTION OF THE DEVELOPMENT SITE

The Development Site is 79-18 164th Street, Block 6857, Lot 62. The Development Site has been owned by the Applicant since 1990. The Development Site is an approximately 100 feet deep interior lot with approximately 40 feet of frontage on 164th Street. The Development Site has a lot area of approximately 4,000 sq. ft. and is improved with a building that contains approximately 4,000 sq. ft. of floor area (1 FAR) and is approximately 21 feet tall.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning would facilitate the continued use and legalization of the second floor UG 9A medical research laboratory at the Development Site, as this use is not permitted as-of-right within a C1-3 commercial overlay but is within C2-3 commercial overlay. There are no proposed changes from the existing conditions at the Development Site.

7. ACTION NECESSARY TO FACILITATE THE PROJECT

The action necessary to facilitate the legalization of the existing use is a zoning map amendment to rezone the Project Area from R4/C1-3 and R5D/C1-3 zoning districts to R4/C2-3 and R5D/C2-3 zoning districts.

C2-3 commercial overlays support local retail and service needs, typical of the Union Turnpike and 164th Street commercial corridors. The maximum commercial FAR in a C2-3 zoning district within an underlying R5D or R4 zoning district is 1.0, which is the same as the current C1-3 zoning district overlay. As such, the proposed action will only affect the potential uses within the Project Area and will retain the low-rise character of the Project Area.

Off-street parking requirements vary based on use in C2-3 commercial overlays, but typically one parking space is required for each 400 sq. ft. of commercial floor area. The C2-3 parking requirement for commercial uses are the same as those required under the current C1-3 zoning designation. The C2-3 zoning district overlay has a lower parking requirement than the C1-2 and C2-2 zoning district overlays mapped on some blocks in the Surrounding Area and is more appropriate for the walkable built character at the intersection of Union Turnpike and 164th Street which is why the City rezoned this area from C1-2 to C1-3 as part of the Jamaica/Hillcrest rezoning in 2006 (C 060337 ZMM).

Although within the Surrounding Area to the north of the Project Area there is a cluster of sections of five blocks with C2-2 overlays, there is not another significant cluster of C2 overlays within a mile of the Project Area. Consequentially, the proposed rezoning would significantly increase the area within which C2 zoning districts are within walking distance, thereby promoting a more sustainable modal split for UG 7, 8, 9, and 14 and physical culture establishment services, which are not permitted as-of-right in C1 commercial overlay zoning districts. That said, the Project Area is located along two wide streets along which more intensive uses, such as those permitted by C2 zoning district overlays, are more appropriately permitted. Further, the majority of the Project Area is currently devoted to UG 6 uses but does include at least one other neighborhood-serving, non-conforming physical culture establishment. The proposed rezoning would strengthen this commercial corridor by enabling a greater diversity of uses in the Project Area than what is currently permitted by the C1-3 overlay.

The proposed rezoning to R4/C2-3 and R5D/C2-3 zoning districts will facilitate the legalization of a long-standing medical research laboratory. The proposed R2/C2-3 zoning district would render an existing, longstanding, non-conforming commercial use in the Project Area conforming, while maintaining the existing low-rise scale of the Surrounding Area. The Surrounding Area along Union Turnpike and 164th Street is a local commercial corridor and would be strengthened by the proposed zoning change.

8. CONCLUSION

As discussed above, Dr. Mikhail Kantius proposes a zoning map amendment to rezone the Project Area from R4/C1-3 and R5D/C1-3 zoning districts to R4/C2-3 and R5D/C2-3 zoning districts. The proposed action will facilitate the legalization of a Use Group 9A medical research laboratory at the Development Site in the Hillcrest neighborhood of Queens Community District 8.