164th Street Rezoning
Queens Community District 8
April, 2024

Project Description

1. Introduction

88-66 Myrtle LLC (the "Applicant") requests approval of the following actions in the Hillcrest neighborhood of Queens Community District 8:

1. A zoning map amendment to change an existing R3-2 zoning district to an R6A/C2-4 zoning district in an area generally bounded by 164th Street to the west, 75th Road to the north, lines at various distances from 164th Street to the east, and 76th Avenue to the south, including Block 6967, Lots 1, p/o 5, p/o 23, p/o 25, 28, and 30 (the "Rezoning Area"); and

2. A zoning text amendment to ZR Appendix F: Mandatory Inclusionary Housing Areas ("MIH") and Former Inclusionary Housing Designated Areas for Community District 8, Queens to establish the Rezoning Area as an MIH Area.

The proposed actions would facilitate the redevelopment of Block 6967, Lots 1, 25, 28, and 30 (the "Development Site") with a new 6-story mixed-use building with approximately 80 dwelling units, including up to 24 permanently affordable MIH units, and 17,627 square feet of community facility space.

2. Background

The Rezoning Area was designated as an R3-2 zoning district with the enactment of the Zoning Resolution in 1961. No recent land use actions have affected the Rezoning Area. The nearby Jamaica Hill/Hillcrest Rezoning (C 060337 ZMQ, effective June 29, 2006) was a City-sponsored rezoning of an approximately 70 block area located south of Union Turnpike. The rezoning changed portions of the neighborhood from R5, R4, R3-2 and R2 to R5, R5D, R4A, R4-1, R4B, R3A, R3-2, R2, and R2A zoning districts. The zoning map amendments were intended to protect the established character of residential blocks within the neighborhood and encourage new residential and mixed-use buildings on major streets, including portions of Parsons Boulevard and Union Turnpike.

More recently, a private application known as the Union Turnpike Rezoning (C 120178 ZMQ, effective March 12, 2014) changed an existing R3-2/C1-2 district to an R5D/C1-3 zoning district in order to facilitate a new four-story mixed-use residential/commercial development on Block 6831 approximately 0.3 miles to the south of the Rezoning Area.

3. Description of the Surrounding Area

The Rezoning Area is located in the Hillcrest neighborhood of Queens Community District 8. Land uses and built context within 600 feet of the Rezoning Area (the "Surrounding Area") are generally characterized by low-rise residential and commercial uses. The blocks located to the north and south of the Development Site are comprised mostly of residential and mixed residential/commercial buildings ranging in height from one to three stories. The blocks to the west and east of the Development Site are generally characterized by one to two-family buildings of one to two stories in height. Most buildings in the Surrounding Area were constructed in the 1930s, 1940s, and 1950s and there are few new ground-up developments despite the strong need for new housing and affordable housing.[1]

[1] Based on American Community Survey 2016-2020 5-Year Estimates for PUMA 4106, which is an approximation of Queens Community District 8, approximately 48.5 percent of Queens Community District 8 households are rent burdened. Source: https://communityprofiles.planning.nyc.gov/queens/8

Commercial uses are generally located along 164th Street, a local retail corridor that runs north to south. 164th Street is considered a wide street at approximately 120 feet.[2] Commercial buildings range from single-story detached buildings to attached two-story buildings.

Mass transit options are accessible within the Surrounding Area. Several bus lines operate within the Surrounding Area, including the Q64 (Forest Hills – Pomonok) and Q65 (Jamaica – Flushing – College Point) along 164th Street as well as several express buses to Manhattan (QM1, QM4, QM5, QM6, QM7, QM8, QM31, QM35, QM36, and QM44). The Parsons Boulevard (F) subway station is located approximately 1.1 miles to the south of the Rezoning Area.

Land uses and built context within the Surrounding Area are generally consistent with underlying zoning. R3-2 is the only zoning district mapped in the Surrounding Area. C2-2 commercial overlays are mapped along portions of 164th Street south of the Rezoning Area. The Surrounding Area is also located within a FRESH zone where discretionary tax incentives are available if a FRESH supermarket is constructed. There are no MIH Areas or Inclusionary Housing Designated Areas within the Surrounding Area and only two MIH Areas within Community District 8.

R3-2 is a low-density contextual residential zoning district that allows detached, semi-detached, and attached single- and two-family buildings and all types of multi-family buildings (Use Groups I and II) and community facility uses (Use Groups III and IV). Industrial and manufacturing uses are not permitted.

C2-2 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.

4. Description of the Rezoning Area

The Rezoning Area is an irregularly shaped, approximately 24,057 square foot area comprised of all or portions of six tax lots on Block 6967 including Lots 1, p/o 5, p/o 23, p/o 25, 28, and 30. The Rezoning Area is generally bounded by 164th Street to the west, 75th Road to the north, lines at various distances from 164th Street to the east, and 76th Avenue to the south. The Rezoning Area has approximately 200 feet of frontage on 164th Street, 100 feet of frontage on 75th Road, and 140 feet of frontage on 76th Avenue. The Development Site (Block 6967, Lots 1, 25, 28, and 30) is described below. The only non-Applicant controlled properties within the Rezoning Area are Block 6967, Lots 5 and 23. Lot 5 is an approximately 4,000 square foot interior lot improved with a two-story, 2,352 square foot detached two family building. Lot 23 is an approximately 4,000 square foot interior lot improved with a two-story, 1,440 square foot detached two family building.

5. Description of the Proposed Development Site

The Development Site consists of Block 6967, Lots 1, 25, 28, and 30. It is an approximately 23,444 square foot corner and interior lot. Lot 1 is a 5,544 square foot lot improved with a two-story, 2,800 square foot detached mixed-use building with local retail and office space on the ground floor . Lot 25 is a 4,000 square foot lot improved with a two-story, 1,136 square foot detached single-family home. Lot 28 is a 10,066 square foot lot improved with a one-story, 3,000 square foot childcare center. Lot 30 is a 3,834 square foot unimproved lot used for open storage. A large portion of the Development Site is paved for unenclosed off-street accessory parking accessed by curb cuts at each street frontage.

6. Description of the Proposed Development

The proposed actions would facilitate the development of a new 6-story, mixed-use building at the Development Site with approximately 91,426 square feet of floor area (3.9 FAR). The

[2] ZR § 12-10 defines a wide street as any street 75 feet or more in width.

proposed development would have approximately 73,799 square feet of residential floor area with approximately 80 dwelling units. Pursuant to the MIH program, up to 24 units would be permanently affordable pursuant to either MIH Option 1 or 2, respectively. The proposed development would have approximately 17,627 square feet of community facility floor area on the ground floor. Above a base height of 45 feet (4-stories), the proposed development would rise to a height of 65 feet (6-stories). Setbacks above the base height would be provided on the 75th Road and 76th Avenue street frontages. Open space for building residents would be provided in the rear yard equivalent and on building rooftops. An accessory off-street parking garage located on the cellar level with 28 required spaces and 6 permitted spaces would be accessible from 164th Street via a new 12-foot wide curb cut.

7. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the proposed development are: (1) a zoning map amendment to change an existing R3-2 zoning district to an R6A/C2-4 zoning district within the Rezoning Area; and (2) a zoning text amendment to ZR Appendix F to establish the Rezoning Area as an MIH Area.

Zoning Map Amendment
As noted above, the Rezoning Area is generally bounded by 164th Street to the west, 75th Road to the north, lines at various distances from 164th Street to the east, and 76th Avenue to the south. The Rezoning Area has approximately 200 feet of frontage on 164th Street, 100 feet of frontage on 75th Road, and 140 feet of frontage on 76th Avenue.

R6A is a medium-density contextual residential zoning district that typically produces high lot coverage, 6- to 8-story apartment buildings set at or near the street line. R6A permits multi-family apartment buildings as well as detached and semi-detached one- and two-family buildings (Use Groups I and II) and community facility uses (Use Groups III and IV). Industrial and manufacturing uses are not permitted. R6A districts allow a maximum FAR of 3.9 with qualifying affordable housing. Above a maximum base height of 65 feet, buildings must set back at least 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 95 feet for eligible sites. Beyond the Greater Transit Zone, off-street accessory parking is required at a rate of 50 percent for standard housing and 25 percent for qualifying affordable housing.

The proposed C2-4 commercial overlay district allows local retail and service uses with a maximum commercial FAR of 2.0 when mapped with an R6A zoning district.

Zoning Text Amendment
The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area. Within MIH Areas, 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, Option 2, or Option 3 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of AMI, with no unit targeted at a level exceeding 130 percent of AMI.
- Option 3: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.

In addition to options above, the City Council may elect to map Option 4 (except in Manhattan Community Districts 1-8), which requires that 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI, with no units above 135 percent AMI; and no direct subsidies.

The Applicant proposes to map the Rezoning Area with both MIH Options 1 and 2. As such, a minimum of 25 percent of residential floor area (approximately 18 units) would be provided at

an average of 60 percent of AMI with no unit at a level exceeding 130 percent of AMI. The MIH requirement ensures that a percentage of residential floor area in any future development within the MIH Area is permanently affordable.

Land Use Rationale
The proposed zoning map amendment would allow for the production of new multi-family housing in Queens Community District 8 on an underutilized site. While the Rezoning Area's existing R3-2 zoning designation permits multi-family housing, it has a low maximum residential FAR of 0.5 that severely limits the potential for new housing development. The proposed rezoning would facilitate new mixed-use development, with the provision of permanently affordable housing, and ground community facility use along 164th Street.

The proposed actions are appropriate because the Rezoning Area is located on a wide street with access to mass transit. The Rezoning Area is located on 164th Street, a 120-foot wide major arterial roadway. The Rezoning Area is well served by mass transit. The Q65 (Jamaica – Flushing – College Point) connects the Rezoning Area to Jamaica Center (E, J, Z) and Jamaica Station (E, J, Z, LIRR, AirTrain). In addition, the Parsons Boulevard (F) subway station is located approximately 1.1 miles to the south of the Rezoning Area. There are also several express buses that provide direct service to Manhattan (QM1, QM4, QM5, QM6, QM7, QM8, QM31, QM35, QM36, and QM44).

The proposed R6A/C2-4 zoning district is consistent with the R5D/C1-2 zoning along Union Turnpike to the south that was established as part of the Union Turnpike Rezoning (C 120178 ZMQ, effective March 12, 2014) and the Jamaica Hill/Hillcrest Rezoning (C 060337 ZMQ, effective June 29, 2006), which was intended to encourage new residential and mixed-use buildings on major streets where increases in density were appropriate. Similar to Union Turnpike, 164th Street has several commercial block fronts both within and without commercial overlays.

The proposed zoning text amendment to designate the Rezoning Area as an MIH Area is consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan. There are only limited provisions near the Rezoning Area to promote the development of affordable housing. The proposed residential development would provide much-needed affordable residential units in an area in with a growing population and corresponding increase in demand for housing. According to the Department of City Planning's 2013 report New York City Population Projections by Age/Sex & Borough, the population of Queens is anticipated to increase by an estimated 7.2 percent in the 30-year projection period. The population will increase from 2.25 million in 2010 to 2.4 million in 2040.[3] As population in Queens is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply.

Moreover, Community District 8 has one of the highest rent-burdened populations in New York City. According to the U.S. Census Bureau, 48.5 percent of households in Queens Community District 8 are rent burdened, spending 35 percent or more of their income on rent (higher than Queens overall at 46.2 percent and NYC overall at 44.2 percent).[4] The proposed actions would facilitate the creation of approximately 80 dwelling units including up to 24 permanently income restricted units pursuant to MIHon an underutilized property in an area of Queens with high demand.

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 Rezoning Area, and further the objectives of the City's *Housing New York: A Five-Borough, Ten-Year Plan* and *Housing New*

[3] New York City Population Projections by Age/Sex & Borough, 2010–2040, NYC Department of City Planning, December 2013.
[4] Based on American Community Survey 2016-2020 5-Year Estimates for PUMA 4106, which is an approximation of Queens Community District 8, approximately 48.5 percent of Queens Community District 8 households are rent burdened. Source: https://communityprofiles.planning.nyc.gov/queens/8

York 2.0.[5] The existing R3-2 zoning designation within the Rezoning Area precludes the development of any substantive amount of new multi-family housing. The proposed rezoning reflects sound planning principles by replacing an R3-2 district with an R6A/C2-4 district to permit residential use at increased density in an appropriate, underutilized area located on a wide street with access to mass transit. The proposed actions would facilitate the development of a new mixed-use building with approximately 80 dwelling units, including up to 24 permanently affordable units pursuant to MIH, as well as new community facility uses.

[5] The housing plans set a goal for the preservation and/or creation of 300,000 income-restricted housing units by 2026.