



## CITY PLANNING COMMISSION

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February 17, 2021/Calendar No. 15

C 200178 ZMQ

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**IN THE MATTER OF** an application submitted by 63-68 RWKOP LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R4 District a C2-2 District bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;
2. changing from an R4 District to an R7A District property bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;
3. establishing within the proposed R7A District and C2-3 District bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;

Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-568.

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This application for a zoning map amendment was filed on November 4, 2019 by 63-68 RWKOP LLC, in conjunction with an application for a zoning text amendment (N 200179 ZRQ). The proposed actions would facilitate the construction of a nine-story mixed-use building at 91-32 63<sup>rd</sup> Drive in the Rego Park neighborhood of Queens, Community District 6.

### **RELATED ACTION**

In addition to the zoning map amendment (C 200178 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 200179 ZRQ**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

### **BACKGROUND**

The applicant, 63-68 RWKOP LLC, seeks a zoning map amendment to eliminate a C2-2 district

from an R4 district, change an R4 district to an R7A district and establish a C2-3 District within the proposed R7A district and a zoning text amendment to establish an MIH area to facilitate the construction of a nine-story mixed-use building with commercial use on the ground floor and 74 residential units on the upper floors. The project area (Block 3104, Lot 16) is coterminous with the development site and is located on the east side of 63<sup>rd</sup> Drive between Austin Street and Alderton Street in the Rego Park neighborhood of Queens.

The project area totals approximately 13,725 square feet with approximately 140 feet of frontage along 63<sup>rd</sup> Drive and 100 feet of frontage along Austin Street. It is bounded on the northern side by the Long Island Railroad Main Line right-of-way. The remainder of Block 3104 is developed with two-to-three story attached residential buildings east of the development site and recently developed seven-story residential buildings further east toward 65<sup>th</sup> Road. The project area is owned by the applicant and is currently vacant.

The area surrounding the project area is developed with a mix of commercial, community facility, and residential uses in low- and mid-rise buildings. Commercial uses in the area are concentrated along 63<sup>rd</sup> Drive, a major north-south corridor in Rego Park that serves local retail needs. The Rego Park branch of the Queens Public Library is located on 63<sup>rd</sup> Drive, immediately west of the project area, and two blocks north of the project area is P.S. 139, a public elementary school. Residential development east of 63<sup>rd</sup> Drive is predominantly comprised of low-and mid-rise multifamily buildings, with recently developed six-to-seven story developments along Austin Street. There are several non-compliant six-story residential buildings located south of the project area with frontage on 63<sup>rd</sup> Drive. West of 63<sup>rd</sup> Drive, the neighborhood is comprised of low-density residential uses. Five blocks north-east of the project area, at the intersection of 63<sup>rd</sup> Drive and Queens Boulevard, is Rego Center Mall, a regional commercial destination that consists of several big-box retail stores.

Although the project area is located outside of the Transit Zone, the area is well-served by public transportation with the 63<sup>rd</sup> Drive-Rego Park subway station located at the intersection of 63<sup>rd</sup> Drive and Queens Boulevard, approximately four blocks north of the project area. Several bus lines serve the area, including the Q38, QM11, QM18, Q60, and Q72 lines, providing service to Corona, Downtown Manhattan, Midtown, East Midtown and La Guardia Airport, respectively.

The project area was mapped with an R4 zoning district and a C2-2 commercial overlay at the time of the enactment of the 1961 Zoning Resolution and has remained unchanged since then. R4 zoning districts permit a maximum residential floor area ratio (FAR) of 0.75 with an attic allowance of up to 20 percent and restrict maximum building heights to 35 feet. One off-street parking space is required for each dwelling unit. The maximum FAR for community facility uses is 2.0. When mapped in R4 districts, C2-2 commercial overlays allow a maximum commercial FAR of 1.0, and commercial uses are limited to the ground floor in mixed-use buildings. C2-2 commercial overlays facilitate local retail uses and require one parking space per 300 square feet of floor area for local retail or service uses.

The applicant proposes to develop a nine-story, 95-foot-tall mixed-use building containing approximately 63,161 square feet of total floor area (4.6 FAR). The ground floor would be comprised of approximately 12,114 square feet of local retail use, and floors two through nine would be comprised of approximately 51,047 square feet of residential floor area containing 70 dwelling units, 30 percent of which (21 units) would be permanently affordable pursuant to MIH Option 2. A residential lobby would be located on the ground floor, accessed by an entrance on 63<sup>rd</sup> Drive. The cellar would include approximately 58 accessory residential parking spaces accessed by a new 12-foot-wide curb cut on Austin Street.

To facilitate the proposed development, the applicant seeks a zoning map amendment to change the zoning district from an R4 district with a C2-2 commercial overlay to an R7A district with a C2-3 overlay. The proposed R7A district allows a maximum residential FAR of 4.6 when mapped within an MIH area. The maximum FAR for community facility uses is 4.0. The maximum base height is 75 feet with a Qualifying Ground Floor and the maximum building height is 95 feet for residential development within an MIH area. Off-street parking is required for 50 percent of market rate dwelling units and 15 percent of income-restricted units. C2-3 commercial overlays facilitate local retail uses and require one parking space per 400 square feet of floor area.

The applicant also proposes a zoning text amendment (N 200179 ZRQ) to designate the project area as an MIH area mapped with Options 1 and 2. Option 1 requires that at least 25 percent of residential floor area be reserved for housing units affordable to residents with household

incomes averaging 60 percent of the Area Median Income (AMI), including a 10 percent band at 40 percent of AMI. Option 2 requires that at least 30 percent of residential floor area be reserved for housing units affordable to residents with household incomes at an average of 80 percent of the AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 200178 ZMQ), in conjunction with the related application for a zoning text amendment (N 200179 ZRQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 20DCP107Q.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Negative Declaration was issued on October 1, 2020.

The Revised Negative Declaration includes an (E) designation (E-568) related to hazardous materials, air quality and noise to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Revised Environmental Assessment Statement and Revised Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 200178 ZMQ) was certified as complete by the Department of City Planning on October 5<sup>th</sup> 2020, and was duly referred to Community Board 6 and the Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the application for a zoning text amendment (N 200179 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

## **Community Board Public Hearing**

Community Board 6 held a public hearing on this application (C 200178 ZMQ) on November

12, 2020 and on that day, by a vote of 36 in favor, five opposed, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 200178 ZMQ) was considered by the Queens Borough President, who on December 23, 2020, issued a recommendation to approve the application with the following condition:

“There should be a goal of 30% for local hiring and use of MQBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% is reached”.

### **City Planning Commission Public Hearing**

On January 6, 2021 (Calendar No. 9), the City Planning Commission scheduled January 20, 2021, for a public hearing on this application (C 200178 ZMQ). The hearing was duly held on January 20, 2021 (Calendar No. 32). One speaker testified in favor of the application and none in opposition.

The applicant’s representative presented an overview of the applications, stating that the proposed rezoning in the context of an existing multi-family residential context on a wide street and near public transit, is appropriate. The applicant’s representative also stated that, in response to Community Board 6’s request for lower levels of affordability, the applicant has committed to providing two of the three income bands under MIH Option 2 at 60% AMI, which would result in 14 out of 21 MIH units provided at deeper levels of affordability. He also explained that while the allowable commercial uses would remain unchanged under the proposed C2-3 commercial overlay, parking requirements would be slightly lowered, which is appropriate based on the availability of public transit in the surrounding area.

There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 200178 ZMQ),

in conjunction with the related application for a zoning text amendment (N 200179 ZRQ), is appropriate.

The Commission believes that the proposed R7A district with a C2-3 commercial overlay reflects existing land use patterns and reinforces existing multi-family residential buildings and local ground floor retail use along 63<sup>rd</sup> Drive. The project area has frontage on 63<sup>rd</sup> Drive, which is a wide street, and abuts open space to the south created by the LIRR Main Line tracks. The project area's transit accessibility makes it an appropriate location for an increase in density and a reduction in commercial parking requirements.

The proposed zoning text amendment to designate the R7A district as an MIH area is appropriate. The designation is consistent with the City's policy objective for promoting housing production and affordability across the city, and the Commission supports the development of new affordable housing in a neighborhood with a need for new income-restricted units.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on October 1, 2020 with respect to this application (CEQR No.20DCP107Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further changed by the Zoning Map, Section 14a by:

1. eliminating from within an existing R4 District a C2-2 District bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;
2. changing from an R4 District to an R7A District property bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;

3. establishing within the proposed R7A District and C2-3 District bounded by Austin Street, a line 100 feet southeasterly of 63<sup>rd</sup> Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63<sup>rd</sup> Drive;

Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-568.

The above resolution (C 200178 ZMQ), duly adopted by the City Planning Commission February 17, 2021 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, Chair

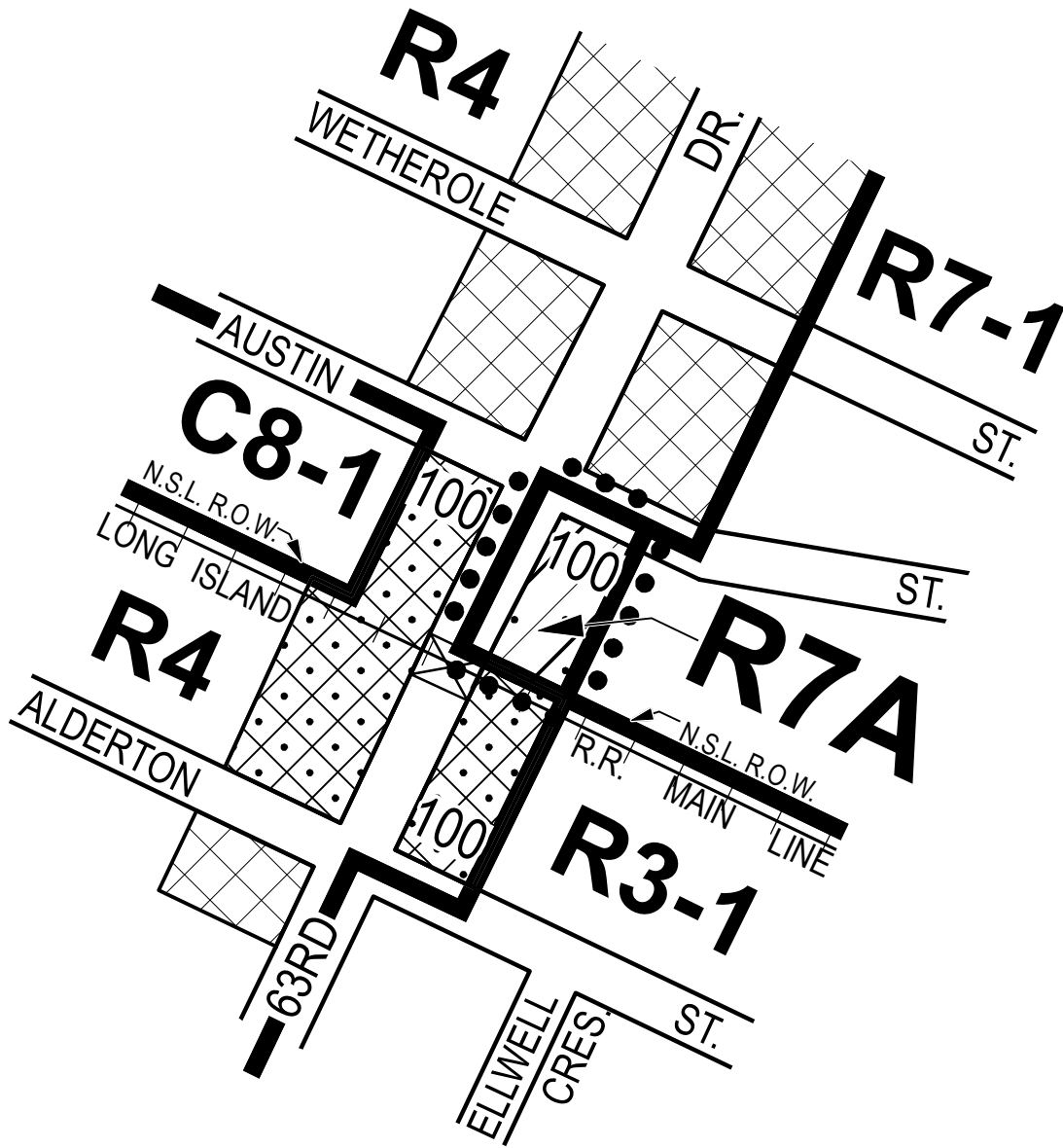
**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman

**DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,**

**JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARIN,**

**LARISA ORTIZ, RAJ RAMPERSHAD**, Commissioners



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED

**ZONING CHANGE**

ON SECTIONAL MAP

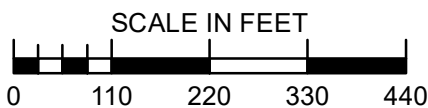
**14d**

BOROUGH OF  
**QUEENS**

S. Lenard, Director  
 Technical Review Division



New York, Certification Date:  
 October 05, 2020



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned by eliminating a C2-2 District from an R4 District, changing an R4 District to an R7A District, and by establishing a C2-3 District within the proposed R7A District.
- Indicates a C1-2 District
- Indicates a C2-2 District
- Indicates a C2-3 District





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 91-32 63rd Drive Rezoning	
<b>Applicant:</b> 63-68 RWKOP LLC	<b>Applicant's Primary Contact:</b> Akerman LLP
<b>Application #</b> 200178ZMQ	<b>Borough:</b>
<b>CEQR Number:</b> 20DCP107Q	<b>Validated Community Districts:</b> Q06

**Docket Description:**

IN THE MATTER OF an application submitted by 63-68 RWKOP LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R4 District a C2-2 District bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive;
2. changing from an R4 District to an R7A District property bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive;
3. establishing within the proposed R7A District a C2-3 District bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive;

as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-568.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 36	<b># Against:</b> 5	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 11/12/2020 12:00 AM		<b>Vote Location:</b> Remote - Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 11/12/2020 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Virtual - Zoom

**CONSIDERATION:** Community Board 6 recommends approval for this Application.

Recommendation submitted by	QN CB6	Date: 11/20/2020 11:13 AM
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# Queens Borough President Recommendation

**APPLICATION: ULURP #200178 ZMQ**

**COMMUNITY BOARD: Q06**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by 63-68 RWKOP LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R4 District a C2-2 District bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive;
2. changing from an R4 District to an R7A District property bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive;
3. establishing within the proposed R7A District a C2-3 District bounded by Austin Street, a line 100 feet southeasterly of 63rd Drive, the northerly boundary line of the Long Island Railroad Main Line Right-of-Way, and 63rd Drive (Related ULURP #200179 ZRQ);

as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-568.

## PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, December 3, 2020 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- This application proposes a zoning map amendment to change portions of Block 3104 (p/o Lot 14 and Lot 16) from an existing R4/C2-2 District to an R7A/C2-3 District. The proposed actions would facilitate development of a nine-story residential building on the applicant's property;
- Another application (ULURP #200179 ZRQ) concurrently filed with this application proposes a zoning text amendment to Appendix F to establish and map the rezoning area as a Mandatory Inclusionary Housing Area (MIH);
- The area to be rezoned (Block 3104 p/o Lot 14 and Lot 16) is generally bounded by Austin Street to the north, 63<sup>rd</sup> Drive to the west, the north side of the Long Island Rail Road Main Line to the south, and a line 100 feet from and parallel to 63<sup>rd</sup> Drive. The area to be rezoned is currently mapped with an R4-2 District with a C2-2 overlay mapped to a depth of 100 feet from 63rd Drive. The proposed zoning map change is to an R7A/C2-3 District. The westernmost portion of Lot 14, owned by the Department of Citywide Administrative Services, is included in the rezoning area to avoid isolation of an existing R4 District adjacent to the development site;
- The proposed development is a 9-story mixed-use residential and commercial building with 68,656 SF of floor area (FAR 5.0). Setbacks of 10 feet and 15 feet would be provided above the 65 feet base. The proposed building would have 58,338 SF of residential space for 74 dwelling units, 10,318 SF of ground floor commercial space, and 45 accessory off-street parking spaces (17 residential, 28 commercial) in the cellar with access cut on Austin Street. Approximately 24 affordable units would be provided using MIH Option 2 (30% of units @ 80% AMI). The affordable units would be Affordable Independent Residences for Seniors which is reserved for persons 62+ years old;
- The proposed development site (91-32 63<sup>rd</sup> Drive, Block 3104 Lot 16) is located at the southeast corner at the intersection of 63<sup>rd</sup> Drive and Austin Street with 140 feet and 100 feet of frontage respectively. The 13,731 SF lot is currently unimproved and vacant. There is a history of commercial use on the site. The surrounding area is characterized by residential and commercial uses along 63rd Drive and Queens Boulevard, and C8-1 zoned portion of Austin Street. Zoning districts within the surrounding area include R4/C2-2, R4/C1-2, R7-1, R3-1, and C8-1 Districts. This portion of 63rd Drive is a major north-south connector street beneath the elevated LIRR track. Community facility uses in the surrounding area include the Rego Park branch of the Queens Public Library directly west of the project site, Our Savior Church, P.S. 139 elementary school, and the Rego Park Day School. The project area is well served by public transit including the M/R subway lines, the Q38, Q60, Q72, QM11, and QM18 bus lines;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #200178 ZMQ**

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- The applicant met with the Community Board 6 Land Use Committee (LUC) on November 10, 2020. Some concerns expressed during the meeting included: possible increased traffic on 63<sup>rd</sup> Drive, compounded construction impacts in the general area, affordability determined by AMI not reflective of zip codes 11375 and 11374. The CB 6 LUC, by a vote of ten (10) in favor and four (4) against, recommended approval to the full community board;
- Community Board 6 (CB 6) approved this application by a vote of thirty-six (36) in favor with five (5) against and none (0) abstaining at their monthly board meeting held on November 12, 2020. Discussion at the monthly meeting reflected concerns raised during the LUC meeting. Based on the request for lower levels of affordability at the LUC meeting, the applicant soon after submitted a letter to CB 6 committing to provide 16 of the 24 affordable units at 60% AMI. Councilmember Koslowitz's representative stated that the councilmember supports the project and that there should be more studio and 1-bedroom units to maximize number of affordable units;
- At the Borough President's Land Use Public Hearing, the applicant affirmed that they are committed to providing 16 of the 24 affordable units reducing the average AMI to 60%. The applicant also stated they are open to increasing the number of studio and 1 bedroom units as requested by the councilmember.

**RECOMMENDATION**

There is clearly need for more affordable housing in New York City and particularly for seniors. Based on the above consideration, I hereby recommend approval of this application with the following condition:

- There should be a goal of 30% for local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% is reached.



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**PRESIDENT, BOROUGH OF QUEENS**

December 23, 2020

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**DATE**