



IN THE MATTER OF an application submitted by Able Orthopedic & Sports Medicine, PC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14b, changing from an R2 District to an R3-2 District property bounded by 76th Drive, a line perpendicular to the southeasterly street line of 76th Drive distant 55 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 76th Drive and northeasterly street line of Austin Street, 77th Avenue, and Austin Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-522.

This application for a zoning map amendment was filed by Able Orthopedic & Sports Medicine, PC on May 2, 2018. The applicant proposes to change an R2 zoning district on Austin Street between 76th Drive and 77th Avenue to an R3-2 zoning district. This proposed action would facilitate the expansion of two legally non-conforming medical offices in the Forest Hills neighborhood of Queens, Community District 6.

BACKGROUND

The applicant proposes a zoning map amendment to facilitate the expansion of two legally non-conforming medical offices fronting on Austin Street in Forest Hills. The rezoning area covers the southwest portion of Block 3342, encompassing Lots 1, 61 and part of Lot 4, all located along Austin Street between 76th Drive and 77th Avenue in Queens Community District 6.

The development site comprises Lots 1 and 61. Lot 1 (114-04 76th Drive) is a corner lot located at 76th Drive and Austin Street. It was developed with a two-story residence in 1935, but the ground floor was converted to an approximately 1,599-square-foot medical office use in 1956. The second floor is still in use as a residence. The existing floor area ratio (FAR) is 0.47. Lot 61 (111-03 77th Avenue) is a corner lot located at 77th Avenue and Austin Street. It was originally developed with a two-story residence in 1935, but the basement was converted to an approximately 1,587-square-foot medical office use in 1959. The first and second floors are still used as a residence. The existing FAR is 0.62. An accessory parking lot is jointly located on Lots

1 and 61, servicing both offices. This parking lot is both non-conforming and non-compliant, owing to a lack of a landscaped strip along Austin Street. It is accessed from a non-compliant, 25-foot-wide curb cut on Austin Street.

The rezoning area also includes a five-foot sliver of Lot 4 (111-08 76th Drive). This depth would keep the proposed district boundaries consistent with the adjacent R6 district, which extends 55 feet northeast from Austin Street. This lot is currently developed with a detached single-family house with an FAR of 0.44 and would be unaffected by the proposed rezoning.

All three lots within the proposed rezoning area are currently zoned R2. This is a low-density residential district that permits a maximum residential FAR of 0.5 and a maximum community facility FAR of 1.0. All three lots were rezoned from R6 to R2 as part of the Department of City Planning-sponsored Kew Forest Rezoning (C 000158 ZMQ) in 2000, which sought to preserve the existing low-density, single-family detached development pattern.

The Department of City Planning-sponsored Community Facility Text Amendment (N 040202 ZRY), adopted in 2004, subsequently prohibited medical offices (ambulatory health care facilities) in R1 and R2 districts. It is at this point that the medical offices on Lots 1 and 61 were made non-conforming.

The surrounding area is developed with a mixture of low- to medium-density residential buildings. The area to the west and south of the rezoning area is zoned R6, and is characterized by six-story, pre-war multifamily buildings. The R6 zoning district is a medium-density residential district permitting all types of residences, with a maximum residential FAR of 3. Directly west of the medical offices, across Austin Street, is the Ehrenreich-Austin Playground, managed by the New York City Department of Parks and Recreation.

The area to the north and east of the rezoning area is predominately developed with two- and three-story single-family detached homes located within the R2 zoning district. Three blocks east, along the Jackie Robinson Parkway, lies the Kew-Forest School, a private school serving pre-K through 12th Grade, which is also within the R2 zone.

Queens Boulevard runs one block north of the rezoning area. This is a major commercial corridor for Central Queens developed with a mixture of two-story commercial buildings and mixed-use, pre-war multifamily buildings. The Union Turnpike-Kew Gardens Station, which services the E and F subway lines, is a quarter mile northeast of the project site. The commercial uses along Queens Boulevard are enabled by C1 and C2 commercial overlays and a C4-2 commercial district.

The applicant seeks to map an R3-2 zoning district over the southwest portion of Block 3342, along Austin Street between 76th Drive and 77th Avenue. R3-2 is a general residential district allowing all types of housing with a maximum residential FAR of 0.5 and a maximum community facility FAR of 1. The maximum base height is 21 feet and the maximum building height is 35 feet. Medical offices are permitted in R3-2 districts. Off-street accessory parking is required for each dwelling unit and one parking space is required per 400 square feet of medical office space.

The applicant proposes to expand the existing medical offices to fill the entirety of their respective buildings. The medical office space at 111-04 76th Drive would expand to the second floor and the medical office at 111-03 77th Avenue would expand to the first and second floors. This would eliminate two existing residential units but would not affect the building envelopes. The applicant also proposes to make landscaping improvements to the existing non-conforming surface lot shared between the two lots fronting along Austin Street.

ENVIRONMENTAL REVIEW

This application (C 180399 ZMQ) 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 designated CEQR number is 19DCP023Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 11, 2019. This Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to noise and hazardous materials (E-522). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 180399 ZMQ) was certified as complete by the Department of City Planning on February 11, 2019 and duly referred to Queens 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).

Community Board Public Hearing

Queens Community Board 6 held a public hearing on this application (C 180399 ZMQ) on March 19, 2019, and on that day, by a vote of 34 in favor, two opposed, with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 180399 ZMQ) on March 28, 2019 and on April 15, 2019 issued a recommendation approving the application.

City Planning Commission Public Hearing

On April 10, 2019 (Calendar No. 2), the City Planning Commission scheduled April 24, 2019 for a public hearing on this application (C 180399 ZMQ). The hearing was duly held on April 24, 2019 (Calendar No. 23). One speaker testified in favor of the application.

A representative of the applicant testified in support of the application, providing a summary of the requested action and proposed expansion of the existing medical office spaces.

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

Following the public hearing, the applicant submitted additional testimony affirming both that a four-foot wide landscaped strip is required along Austin Street and that the curb cut may not be more than 12 feet wide. This testimony also reaffirmed the applicant's obligation to comply with these standards as part of any alteration work.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180399 ZMQ) is appropriate.

In 2000, an R2 zoning district replaced R6 zoning established in this vicinity in 1961 through the City Council's adoption of the Department of City Planning-sponsored Kew Forest Rezoning (C 000158 ZMQ). This area-wide rezoning sought to preserve the existing low-density, single-family detached development pattern. Both before and after this rezoning, Block 3342, Lots 1 and 61 each hosted a conforming medical office space in addition to a single residential unit. It was not until the City Council's subsequent adoption of the Department of City Planning-sponsored Community Facilities Text Amendment (N 040202 ZRY) that both lots became legally non-conforming.

The proposed zoning map amendment is consistent with the goals of the Kew Forest Rezoning (C 000158 ZMQ). R3-2 districts allow only low-rise, low-density residences and community facilities and permit no more FAR than is currently allowed under R2. The proposed zoning map amendment is thus unlikely to facilitate future redevelopment that is out of character with the existing neighborhood. It would, however, permit the two existing medical offices to expand within their existing built envelopes, thereby allowing them to continue to grow within Forest Hills. Furthermore, this rezoning would recognize the existing transitional nature of this blockfront, buffering the existing detached single-family houses within the R2 zones from the R6 zoning district that fronts along Austin Street.

Regarding the landscaping requirements and maximum curb cut width associated with the existing parking lot, while outside the scope of this rezoning, the Commission notes with

approval that the applicant would be required to bring the existing parking lot into compliance, as this would preserve and enhance Austin Street's status as a pedestrian corridor.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on February 11, 2019 with respect to this application (CEQR No. 19DCP023Q), 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 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 hereby amended by changing the Zoning Map, Section No. 14b, changing from an R2 District to an R3-2 District property bounded by 76th Drive, a line perpendicular to the southeasterly street line of 76th Drive distant 55 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 76th Drive and northeasterly street line of Austin Street, 77th Avenue, and Austin Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-522.

The above resolution (C 180399 ZMQ), duly adopted by the City Planning Commission on May 22, 2019 (Calendar No. 1), 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*

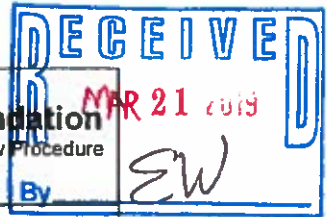
KENNETH J. KNUCKLES, Esq., *Vice Chairman*

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

MICHELLE de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*

RAJ RAMPERSHAD, *Commissioner, Recused*



Application #: C 180399 ZMQ	Project Name: 76th Drive & Austin Street Rezoning
CEQR Number: 19DCP023Q	Borough(s): Queens Community District Number(s): 6
Please use the above application number on all correspondence concerning this application	

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description

IN THE MATTER OF an application submitted by Able Orthopedic & Sports Medicine, PC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14b, changing from an R2 District to an R3-2 District property bounded by 76th Drive, a line perpendicular to the southeasterly street line of 76th Drive distant 55 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 76th Drive and northeasterly street line of Austin Street, 77th Avenue, and Austin Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-522.

Applicant(s): Able Orthopedic & Sports Medicine, PC 111-04 76th Drive Queens NY 11375		Applicant's Representative: Richard Lobel Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York NY 10017	
Recommendation submitted by: Queens Community Board 6			
Date of public hearing: March 13, 2019		Location: 80-02 Kew Gardens Road - Suite 202, Kew Gardens, NY 1	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<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>	
Date of Vote: March 13, 2019		Location: 80-02 Kew Gardens Road - Suite 202, Kew Gardens, NY	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 34 # Against: 2 # Abstaining: Total members appointed to the board: 45			
Name of CB/BB officer completing this form Frank Gulluscio,		Title District Manager	Date 3/18/2019

Queens Borough President Recommendation

APPLICATION: ULURP #C180399 ZMQ

COMMUNITY BOARD: Q06

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, PC on behalf of Able Orthopedic & Sports Medicine, PC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 14b, changing from an R2 District to an R3-2 district property bounded by 76th Drive, a line perpendicular to the southeasterly street line of 76th drive distant 55 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 76th Drive and northeasterly street line of Austin Street, 77th Avenue, and Austin Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 11, 2019 and subject to the conditions of CEQR Declaration E-522.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 28, 2019 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 speakers for this application. The hearing was closed.

CONSIDERATION

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

- The applicant is requesting a zoning map amendment changing an R2 District to an R3-2 District to legalize and allow expansion of Use Group 4 medical offices within the existing buildings;
- The rezoning area is an area bounded by Austin Street to the southwest, 76th Drive to the northwest and 77th Avenue to the southeast. The affected lots are Block 3342, Lot 1, parts of Lot 61 and Lot 4. Lot 1 is developed with a detached two-story plus cellar and attic building with storage in the cellar that is occupied by a doctor's office on the first floor, with accessory medical office space on a part of the second floor. There is also a single dwelling unit on the second floor. Lot 61 is developed with a two-story single-family residence with an attic. The basement of that building is occupied by a doctor's office. A small portion of Lot 4 is included in the rezoning area which is occupied by a two-story single-family residence;
- The project area was rezoned from R6 to R2, which does not allow medical offices as-of-right, as part of Kew Forest Rezoning in 2000. The medical offices occupying the lower floors of the buildings at 111-04 76th Drive and 111-03 77th Avenue were established when the area was zoned R6 prior to the 2000 rezoning. The Kew Forest Rezoning grandfathered the existing medical offices making them legal non-conforming uses. The applicant wants to use the upper floor of this building for the expanded accessory medical uses such as an additional office or storage of medical files. The applicant intends to convert the existing buildings in their entirety into Use Group 4 medical care facilities as-of-right provided the proposed rezoning is approved;
- The surrounding area, located south of Queens Boulevard, is predominantly developed with mostly medium density 6-story multiple dwelling buildings to the west and north, and approximately four blocks of one- and two-family residences in an R2 District directly to the east. There are a number of ground floor retail stores along Queens Boulevard including two-story commercial buildings between 77th & 78th Avenues. The track of the Long Island Rail Road Main Line runs parallel to Austin Street south of the rezoning area.;
- The CB 6 approved this application by a vote of thirty-four (34) in favor, two (2) against and none (0) abstaining at a community board meeting held on March 13, 2018.

RECOMMENDATION

Based on the above considerations, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS

4/15/19
DATE