42 – 18 31st Avenue Rezoning
July 2022

1. Introduction

This application is made on behalf of 42-18 Development LLC ("the Applicant"), the owner of properties located on Queens Block 692, Lots 43, 44, 45 and 46 (the "Development Site") in the Astoria neighborhood of Queens, Community District 1. The Applicant seeks a zoning map and zoning text amendment that would affect properties located adjacent to a three-way intersection at 31st Avenue, Newtown Road, and 43rd Street. The proposed actions would affect twenty five (25) lots including the Development Site at 42-18 (Block 692, Lots 43, 44, 45 and 46), as well as several additional properties that are not under the control of the Applicants (Block 694, Lots 1 and 4, Block 692, Lots 37 (p/o), 38, 39, 49, 50, 51 (p/o), 140, 148, 243 & 343; Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o) & 137, 42 (p/o); (the "Project Area").

The following actions are necessary to facilitate the project:

1) A zoning map amendment to rezone:

- Block 692, Lots 43, 44, 45, 46, 140, 148 (p/o), 243, and 343 and Block 694, Lots 1 and 4 from R5/ C1-2 to a R6A/ C1-3 zoning district; and
- Block 692, Lots 37 (p/o), 38, 39, 49, 50, 51 (p/o), 148 (p/o), and Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137 from R5/ C1-2 to a R5 zoning district.

2) A Zoning Text Amendment of ZR Appendix F: The proposed actions would also include a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to make the Project Area a Mandatory Inclusionary Housing (MIH) area, mapped with Options 1 or 2 pursuant to ZR §123-154(d).

The proposed actions would facilitate a new six-story mixed use building on the Development Site to contain 38,189 square feet or 3.53 Floor Area Ratio (FAR) (the "Proposed Development").

2. Background

The project area is located in anR5 zoning district with a C1-2 commercial overlay that has been mapped since the inception of the Zoning Resolution in 1961 and has not been amended since that time period. The R5 district covers a broad area generally bounded by Steinway Street to the west, Sunnyside Yards to the south, and the private rail to the northeast. The C1-2 commercial overlay covers an area along 31st Avenue to a depth of 150 feet on both sides of the street between the midblock of 41st Street and Steinway Street to the west and 45th Street to the east.

In the surrounding area, in 1998, the Steinway Street Rezoning (C 980193 ZMQ) rezoned the frontage of Steinway Street between 28th Avenue and 34th Avenue from a C4-2 to a C4-2A zoning district; the frontage of Steinway Street between 34th Avenue and Northern Boulevard from an M1-1 to a C4-2A zoning district; and the frontage of 34th Avenue between Steinway Street and Northern Boulevard from an R5/C1-2 and R5/C2-1 to an R6B zoning district with C1-4 and C2-4 commercial overlays. The Rezoning eliminated part of the existing C1-2 and C2-1 commercial overlays along residential side streets and rezoned parts of three blocks on the south side of 34th Avenue near Northern Boulevard from an R5/C2-1 zoning district to an M1-1 zoning district. The objectives of the zoning map amendments from C4-2 and M1-1 to C4-2A along Steinway Street were intended to direct commercial and residential development to Steinway Street, thereby fostering a connection between existing Steinway Street businesses and the emerging retail development on Northern Boulevard east of Steinway Street; more accurately reflecting the character of existing commercial, mixed-use, and residential buildings on Steinway Street between 28th and 34th avenues; allowing a greater density and a wider range of commercial uses in the area currently zoned M1-1; and making existing residences in the M1-1 District conforming uses. The objectives of the various proposed zoning map amendments from R5, R5/C1-2, and R5/C2-1 to R6B, R6B/C1-4, R6B/C2-4, and M1-1 for 34th Avenue were intended to more closely represent the scale of existing residential and mixed-use buildings; allowing a greater density for commercial uses by focusing commercial development along 34th Avenue and away from the residential side streets; and making existing industrial uses conforming uses.

In 2010, the Astoria Rezoning (C 100199 ZMQ) rezoned 238 blocks in the Astoria area generally bounded by 20th Avenue to the north, Steinway Street to the east, Broadway to the south, and Vernon Boulevard, 8th Street, 14th Street, and the East River to the west from R4, R5, R6, and R6B zoning districts to R4, R4-1, R4B, R5, R5B, R5D, R6A, R6B, R7A, C4-2A, C4-3, and C4-4A zoning districts. Approximately three blocks to the west along 31st Street were rezoned to R6A with a C1-3 zoning commercial overlay. Residential blocks to the north and east of 31st Street, closest to the Rezoning Area, were rezoned to an R6B zoning district. The rezoning intended to protect neighborhood character from out-of-scale development, more closely reflect established development patterns, direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources and provide incentives for the production of affordable housing.

Approximately a block to the south, in 2001, the Broadway & 31st Street Rezoning (C 010047 ZMQ) rezoned R5 and R6 districts to R6B and changed commercial overlays along Broadway between 21st Street and Newtown Road to more closely reflect the scale and character of existing residential and commercial character of the area.

In 2000, a few blocks to the east, the Broadway Rezoning (C 990628 ZMQ) was a rezoning to add a C1-4 commercial overlay for the enlargement of a restaurant.

One block to the west, on 31-45 41st Street, on June 15, 2020, under BSA Cal. No. 2019-48-BZ, the Board of Standard and Appeals (BSA) granted a variance under ZR Section 72-21 to permit the construction of a two-family residential building with a cellar and three stories in height. This development sought relief from the BSA for regulations described in ZR Section 23-49 (Special Provisions for Side Lot Line Walls) that apply to the R5 zoning district. The building has not been constructed yet and is anticipated to be completed by 2024.

There are no land use actions in the last ten years within 1,000 feet of the proposed Rezoning Area.

3. Description of the Surrounding Area

The Project Area is located in the Astoria neighborhood of Queens, Community District 1. The lots that make up the Project Area are situated along a three-way intersection of 31st Avenue, 43rd Street and Newtown Road. 31st Avenue is a wide street with 80 feet in width with traffic traveling to the east and west, 43rd Street is one-way, narrow street with 60 feet in width with traffic traveling from south to north, and Newtown Road is a one-way, narrow street with 60 feet in width with traffic traveling from northwest to southeast.

The surrounding area is characterized by predominantly residential uses with ground floor retail and concentrations of commercial uses along Steinway Street and Broadway. On the midblocks of the area surrounding the Project Area, much of the residential building typology consists of one- to two-family buildings and multi-family walk-up buildings ranging from one to three stories in height. The block ends are characterized by apartment buildings with ground floor retail and commercial buildings housing restaurants, beauty parlors, and laundromats, which range from one to five stories in height. Taller buildings in the area include a series of five-story apartment buildings located one block to the west of the Project Area, a six-story apartment building located to the east of the Project Area, and four- and five-story public schools located three blocks to the east and one block to the north of the Project Area, respectively.

The surrounding area contains two commercial corridors, Steinway Street and Broadway. Steinway Street is located approximately three blocks to the west of the Project Area and is one of the principal commercial thoroughfares in the Astoria, extending from the Ditmars

neighborhood in the north to Northern Boulevard in the south. Within the blocks near the project area, Steinway Street is characterized by predominantly commercial uses such as drug stores, clothing stores, and medical offices that serve the broader Astoria neighborhood. Buildings range in height from one to four stories with some residential uses located on upper floors. Broadway is located one block to the south of the Project Area and stretches east to west with a mix of commercial and residential uses. Most buildings have ground floor retail uses including restaurants, beauty parlors, and small markets and range from one to six stories in height with residential uses on upper floors.

The Project Area is located in the Transit Zone, or zones defined within the Zoning Resolution that allow for reduced parking requirements for developments located close to transit. The New York City Transit (NYCT) M and R subway lines travel through the surrounding area and are accessible via Steinway Station and 46th Street Station, located approximately a half mile to the southwest and approximately a quarter mile to the southeast, respectively, of the Project Area. In addition, further west, the NYCT N and W train lines travel along 31st Street with stops at 36th and 30th Avenues, which are located approximately one mile to the southwest and three-quarters of a mile to the west, respectively, of the Project Area. Buses in the area include the Q18, which provides service between Astoria and Maspeth via 30th Avenue, the Q101, which provided service between Astoria and Roosevelt Island via Steinway Street, and the Q104, which provides service between Astoria and Sunnyside via Broadway.

Moreover, to the east of the Project Area there is an institutional uses (Horace Greeley Middle School (IS 10), William Cullant Bryant High School) and a 2.20-acre open space resource, the Astoria Heights Playground. To the southwest of the Project Area, there is the Queens Public Library on Broadway between Steinway Street and 41st Street and Sean's Place Playground between Steinway Street and 38th Street. To the north, is an elementary school, P.S. 070Q.

4. Description of the Proposed Project Area

The proposed Project Area affects 26 lots on an intersection of three blocks in the Astoria neighborhood of Queens, Community District #1. The Project Area is bounded by 42nd Street to the west, 31st Avenue to the north, 44th Street to the east, and a line 100 feet parallel to 31st Street to the south east of 43rd Street and Newtown Road west of 43rd Street. The Project Area includes the entire block frontage on 31st Avenue, a wide street with an 80-foot width, and 150 feet of frontage on 42nd Street and 43rd Street, both narrow streets with 60-foot widths.

Block 692, Lots 43, 44, 45, & 46 are controlled by the Applicant, while the rest of the lots within the Rezoning Area are not controlled by the applicant. Block 692, Lots 43, 44, 45, 46, 140, 148 (p/o), 243, and 343 and Block 694, Lots 1 and 4 would be rezoned from R5/ C1-2 to a R6A/ C1-3

zoning district; and Block 692, Lots 37 (p/o), 38, 39, 49, 50, 51 (p/o), 148 (p/o), and Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137 would be rezoned from R5/ C1-2 to a R5 zoning district. The commercial overlay on these areas is being removed in order to preserve the existing residential character of these areas on Newtown Road.

The R5 district is a low-density general residence district that permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet, as well as a 15-foot setback above the street wall. R5 districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 85% of dwelling units. The C1-2 commercial overlay district permits Use Groups 5 and 6 (neighborhood commercial retail uses) at a maximum commercial FAR of 1.0 when mapped within R5 districts. Parking requirements vary by commercial use. For general neighborhood retail, one parking space is required per 300 square feet of commercial space and the requirement is waived below 15 spaces.

The Development Site

Block 692 Lot 43 (42-18 31st Avenue), Lot 44 (31-04 43rd Street), Lot 45 (31-06 43rd Street), and Lot 46 (31-08 43rd Street) are part of the Development Site and applicant owned. Lot 43 is improved with a two-story commercial building, which is occupied by restaurant and nightclub Spyce and by a restaurant Dulce Cultura NYC. Lot 44 is improved with a two-story residential building with two dwelling units. Lot 45 and 46 are improved with a one-story commercial building.

Non-Applicant Controlled Sites

Block 692 Lot 37 (p/o) (31-15 42nd Street), Lot 38 (31-13 42nd Street) and Lot 39 (31-11 42nd Street) each contain 1,980 square feet of lot area. Each lot has 19.8 feet of frontage along 42nd Street and is improved with a two-family home containing 2,178 square feet of space (1.1 FAR), constructed in approximately 2000. All the homes are two stories.

Block 692 Lots 49, 50, 51, 140, 148, 243, and 343 are improved with a two-family home containing approximately 1.0 FAR, constructed in approximately 2000. They are all two stories.

Block 693 Lot 35 (p/o) (31-17 43rd Street) contains 3,375 square feet of lot area. It includes 45 feet of frontage along 43rd Street. The parcel is improved with a multi-family walk up building with three dwelling units containing 3,159 square feet of space (.94 FAR), constructed in approximately 1920. It is three stories.

Block 693 Lot 36 (43-02 Newtown Road) contains 1,848 square feet of lot area. It includes 22 feet of frontage along Newtown Road and 84 feet of frontage on 43rd Street. The parcel is improved with a mixed use residential and commercial building containing 1,998 square feet of space (1.08 FAR), constructed in approximately 1930. It is three stories.

Block 693 Lot 37 (43-04 Newtown Road) contains 1,848 square feet of lot area. It includes 22 feet of frontage along Newtown Road. The parcel is improved with a multi-family walk up building with three dwelling units 2,298 square feet of space (1.24 FAR), constructed in approximately 1930. It is three stories.

Block 693 Lot 137 (43-06 Newtown Road) contains 1,276 square feet of lot area. It includes 22 feet of frontage along Newtown Road. The parcel is improved with a two-family home containing 2,178 square feet of space (1.71 FAR), constructed in approximately 1930. It is two stories.

Block 693 Lot 38 (43-08 Newtown Road) contains 1,276 square feet of lot area. It includes 22 feet of frontage along Newtown Road. The parcel is improved with a two-family home containing 1,894 square feet of space (1.48 FAR), constructed in approximately 1930. It is two stories.

Block 693 Lot 39 (p/o) (43-12 Newtown Road) contains 2,424 square feet of lot area. It includes 27 feet of frontage along Newtown Road. The parcel is improved with a multi-family walk up with 6 dwelling units containing 4,020 square feet of space (1.66 FAR), constructed in approximately 1989. It is three stories.

Block 693 Lot 40 (p/o) (43-16 Newtown Road) contains 2,970 square feet of lot area. It includes 27 feet of frontage along Newtown Road. The parcel is improved with a multi-family walk up with 6 dwelling units containing 4,020 square feet of space (1.35 FAR), constructed in approximately 1989. It is three stories.

Block 693 Lot 41 (p/o) (43-18 Newtown Road) contains 5,549 square feet of lot area. It includes 36 feet of frontage along Newtown Road. The parcel is improved with a multi-family walk up with 6 dwelling units containing 4,020 square feet of space (.72 FAR), constructed in approximately 1989. It is three stories.

Block 693 Lot 42 (p/o) (31-18 44th Street) contains 1,020 square feet of lot area. It includes 17 feet of frontage along 44th Street and 60 feet of frontage on Newtown Road. The parcel is improved with a multi-family walk up building with three dwelling units containing 1,890 square feet of space (1.85 FAR), constructed in approximately 1930. It is three stories.

Block 694 Lot 1 (31-02 44th Street) contains 2,802 square feet of lot area. It includes approximately 19 feet of frontage along 31st Avenue, 98 feet of frontage along 44th Street, and 55

feet of frontage on Newtown Road. The parcel is improved with commercial and office building containing 2,774 square feet of space (.99 FAR), constructed in approximately 1939. It is one story.

Block 694 Lot 4 (43-02 31st Avenue) contains 4,368 square feet of lot area. It includes approximately 126 feet of frontage on 31st Avenue and 176 feet of frontage on Newtown Road. The parcel is improved with an automotive station with a 1,762 accessory building (.4 FAR), constructed in approximately 1946. It is one story.

5. Description of Proposed Development Sites

The proposed Development Site (the "Development Site"), consisting of a portion of the Project Area identified on the city tax maps as Block 692, Lots 43, 44, 45 and 46, is located along 31st Avenue between 42nd and 44th Streets in the Astoria neighborhood of Queens Community District 1.

The proposed Development Site is a corner property and assemblage of four tax lots (Lots 43, 44, 45 & 46) with approximately 10,801 square feet of lot area. It has approximately 128 feet of frontage along 31st Avenue (wide street) and approximately 77 feet of frontage along 43rd Street (narrow street). Lot 43 is improved with a two-story commercial building with 4,583 square feet (1.31 FAR). Lot 44 is currently improved with a smaller two-story and two-family residence with 2,000 square feet (1.56 FAR). Lots 45 is currently improved with a single- story commercial building totaling 1,640 square feet (.55 FAR). Lots 46 is currently improved with a single- story commercial building totaling 2,800 square feet (.94 FAR).

6. Description of Proposed Development

The proposed actions would facilitate the development of a new six-story residential building with ground floor commercial space on Block 692, Lots 43, 44, 45 and 46. The proposed development would contain a total of 38,189 square feet (3.53 FAR) consisting of 30,189 square feet of residential floor area with 33 dwelling units and 8,000 square feet of ground-floor commercial space. Approximately 10 to 12 of the 33 dwelling units (30%) would be affordable pursuant to MIH Option 2.

A new 12-foot curb cut from 43rd Street would provide access to 12 enclosed parking spaces and 25 bicycle spaces in the cellar of the proposed development. There would be two street trees on 43rd Street and four street trees on 31st Avenue. Commercial tenants would access the building

through three doors on 31st Avenue or two doors on 43rd Street. The lobby to the residential building would be on 43rd Street.

7. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the project include a zoning map amendment to rezone the Project Area to R6B/C1-3 and R5 zoning districts and a zoning text amendment to establish the Project Area as an MIH Area. The project would activate a large intersection by adding a small increase in density to a wide street with a commercial overlay, consistent with the surrounding commercial overlay, while also supporting the City's policy goals of creating permanently affordable housing.

Zoning Map Amendment

The zoning map amendment would rezone Block 692, Lots 43, 44, 45, 46, 140, 148 (p/o), 243 and 343 and Block 694, Lots 1 and 4 from an R5/C1-2 zoning district to an R6A/C1-3 zoning district along 31st Avenue between 42nd Street and 44th Street at a depth of 100 feet. Additionally, the rezoning would remove the remaining C1-2 commercial overlay beyond a 100-foot depth parallel to 31st Avenue on Block 692, Lots 37 (p/o), 38, 39, 49, 50 and 51 (p/o) and remove the C1-2 commercial overlay at a depth of 150 feet on Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o), and 137 with frontage on Newtown Road. In addition to the proposed zoning map amendment, a zoning text amendment to make the Project Area applicable to Mandatory Inclusionary Housing (MIH) and would be mapped as Options 1 or 2, pursuant to ZR §123-154(d).

The proposed R6A zoning district is a contextual district with a maximum residential FAR of 3.0 (3.60 FAR with MIH). Quality Housing regulations are mandatory in this district. Above a maximum base height of 60 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet. Off-street parking is required for 50% of a building's dwelling units or can be waived if five or fewer spaces are required.

The proposed C1 zoning district is a commercial overlay mapped within the residential district. C1-3 overlays permit local retail (Use Groups 1 through 6), such as grocery stores, restaurants and beauty parlors. Within lower density residential zoning districts (R1 through R5) the maximum FAR is 1.0 and in more dense residential districts (R6 through R10) the maximum FAR is 2.0. The C1-3 overlay would be mapped to a depth of 100 feet on Block 692 and 150 feet on Block 694, encompassing the entirety of Block 694. Commercial use is limited to the first two floors of a mixed-residential building. For retail uses, one parking space is required for every 400 square feet of retail space, with requirements varying for other commercial uses.

Zoning Text Amendment

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. The proposed zoning text amendment pursuant to Appendix F of the Zoning Resolution would make the Project Area applicable as a Mandatory Inclusionary Housing (MIH) area and would be mapped as Options 1 or 2, pursuant to ZR §123-154(d). All residential developments, enlargements, and conversions within this MIH area that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25% of residential floor area must be for affordable housing units for residents with incomes averaging 60% Area Median Income (AMI), with a minimum of 10% of housing to be affordable at 40% AMI.
- Option 2: 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI.

The proposed actions would facilitate a small increase in residential density and would reconfigure the location of commercial uses on a wide street and three-way intersection located near two commercial corridors that serve residents in Astoria. The addition of new residents, commercial spaces facing 31st Street, and built form of the proposed development would help shape and activate the irregularly-configured intersection. Retail would be focused on 31st St and removed from Newtown Road to concentrate commercial activity along an existing commercial street that connects to Steinway Street, while supporting the established residential character of the surrounding area reflected in development along Newtown Road.

The proposed R6A district would require Quality Housing regulations and when compared to the underlying R5 district, would result in a more uniform street-wall with contextual bulk regulations. Quality Housing and contextual bulk regulations produce buildings more compatible with older, prewar buildings that have high lot coverage and street walls set at or near the street line, which will help provide definition to the edges of this wide intersection without casting shadows or looming over other buildings in the area. This would improve the built-form of this three-way intersection, thereby enhancing the pedestrian environment in this area in comparison to older taller or equally as tall buildings in the area.

Additionally, the proposed actions would provide much needed new dwelling units for various income levels close to transit consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan. The proposed development would enable new residents of market-rate and permanently affordable units to access both the retail options in the area and multiple trains and buses within a quarter mile to one-mile radius of the development.

Overall, these changes would be in line with the increasingly dense mixed-use character of the area and would be consistent with adjacent zoning districts in close proximity.

8. Conclusion

The Proposed Development would serve to activate this three-way intersection fronting a wide avenue, by facilitating the development of transit-oriented housing including approximately 11 units of permanently income-restricted housing and creating new local retail space near the recently renovated Astoria Boulevard subway station - at an appropriate scale compared to existing and planned development in the surrounding area.