42 – 18 31st Avenue Rezoning
January 2023

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, 42-18 Development, LLC, seeks a zoning map and zoning text amendment that would facilitate the development of a new six-story, 38,189-square-foot residential building with a commercial ground floor at 42-18 31st Street in the Astoria neighborhood of Community District 1, Queens. The proposed actions would rezone 26 lots (the "Project Area") that include Block 692, Lots 38, 39, 43, 44, 45, 46, 49, 50, 140, 148, 243, 343 and parts of Lots 37 and 51; Block 693, Lots 36, 37, 38, 137, and parts of Lots 35, 39, 40, 41, 137 and 42; and Block 694, Lots 1 and 4. The zoning map amendment would rezone the existing R5/C1-2 zoning district to an R6A/C1-3 zoning district for the first 100 feet south of 31st Avenue on Blocks 692 and 693 and all of Block 694 and would rezone the remainder of the Project Area to R5, removing the existing commercial overlay. The zoning text amendment would amend Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2.

2. Background

The Project Area is located in an R5 zoning district with a C1-2 commercial overlay that has been mapped since the adoption 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. Although the Project Area has not been rezoned since 1961, the surrounding area has been affected by several area-wide and private rezonings.

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 make 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 contextual districts including 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 of the Project Area along 31st Street were rezoned to R6A with a C1-3 zoning commercial overlay. Residential blocks to the north and east of 31st Street, 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.

In 2000, a few blocks to the east, the Broadway Rezoning (C 990628 ZMQ) rezoned 19 lots on Block 724 within an existing R5 District with a C1-4 commercial overlay for the enlargement of a restaurant. In 2001, approximately a block to the south, the Broadway & 31st Street Rezoning (C 010047 ZMQ) rezoned approximately 42 blocks in 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 with ground floor commercial uses and upper story residences.

3. Description of the Surrounding Area

The Project Area is located in the Astoria neighborhood of Community District 1, Queens. 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 mid-blocks 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 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 provides service between Astoria and Roosevelt Island via Steinway Street, and the Q104, which provides service between Astoria and Sunnyside via Broadway.

Several institutional uses are located near the Project Area. These include Horace Greeley Middle School (I.S. 10), located 2 blocks to the southeast, William Cullant Bryant High School, located 5 blocks to the southeast, the Astoria Heights Playground, located 2 blocks to the southwest and one block to the north, Sean's Place Playground 3 blocks to the northwest, and the elementary school P.S. 070Q, located one block to the north.

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 150 feet parallel to 31st Street to the southeast of 43rd Street and Newtown Road west of 43rd Street. The Project Area is 46,578 square feet and includes the entire block frontage on 31st Avenue (200 feet), 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. The total zoning lot area is 10,801.55 square feet. The Development Site is discussed in the next section.

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 each improved with attached two-family homes 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 lot was improved in 1920 with a 3,159-square-foot, three-story multi-family walk-up building containing three dwelling units. The development has a 0.94 FAR.

Block 693, Lot 36 (43-02 Newtown Road) contains 1,848 square feet of lot area. The parcel is improved with a three-story mixed use residential and commercial building containing 1,998 square feet of space (1.08 FAR), constructed in approximately 1930. Block 693, Lot 37 (43-04 Newtown Road) contains 1,848 square feet of lot area. The parcel is improved with a three-story multi-family walk up building with three dwelling units 2,298 square feet of space (1.24 FAR), constructed in approximately 1930. Block 693, Lot 137 (43-06 Newtown Road) contains 1,276 square feet of lot area. The parcel is improved with a two-story two-family home containing 2,178 square feet of space (1.71 FAR), constructed in approximately 1930. Block 693, Lot 38 (43-08 Newtown Road) contains 1,276 square feet of lot area. The parcel is improved with a two- story two-family home containing 1,894 square feet of space (1.48 FAR), constructed in approximately 1930. Each of these lots includes 22 feet of frontage along Newtown Road.

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 three-story a multi-family walk up with 6 dwelling units containing 4,020 square feet of space (1.66 FAR), constructed in approximately 1989.

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 three-story multi-family walk up with 6 dwelling units containing 4,020 square feet of space (1.35 FAR), constructed in approximately 1989.

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 three-story multi-family walk up with 6 dwelling units containing 4,020 square feet of space (.72 FAR), constructed in approximately 1989.

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 three-story multi-family walk up building with three dwelling units containing 1,890 square feet of space (1.85 FAR), constructed in approximately 1930.

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 a one-story commercial and office building containing 2,774 square feet of space (.99 FAR), constructed in approximately 1939. 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 a one-story automotive station with a 1,762 accessory building (.4 FAR), constructed in approximately 1946.

5. Description of the Development Site

The proposed Development Site consist of Block 692, Lots 43, 44, 45 and 46 and is located along 31st Avenue between 42nd and 44th Streets. 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). Lot 45 is currently improved with a single- story commercial building totaling 1,640 square feet (.55 FAR). Lot 46 is currently improved with a single- story commercial building totaling 2,800 square feet (.94 FAR). There is one existing curb cut on 43rd Street.

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 would be affordable pursuant to MIH Options 1 and 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.

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 would amend Appendix F of the ZR to map MIH Options 1 and 2 on the portion of the Project Area rezoned to R6A. 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 the mid-blocks 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 activate a three-way intersection with 33 residential units, of which 10 to 12 would be permanently affordable, and updated ground-floor commercial space. The location of the development is appropriate for the proposed mix of uses to provide retail services to neighborhood residents as well as housing located near transit. The modest increase in density is appropriate along a wide street, and the rezoning action would preserve the lower-scale established residential character of the mid-blocks located south of 31st Avenue.