31st Street Rezoning
Queens Community District 1
December 1, 2020

1. Introduction

MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC (collectively the "Applicant") request approval of the following actions (the "Proposed Actions") in the Astoria neighborhood of Queens Community District 1:

1) a zoning map amendment changing C4-3 and R5B zoning districts to C4-5X and C4-4 zoning districts along the 31st Street corridor generally between Astoria Boulevard and 23rd Road, including Block 835, Lots 1, 2, 3, 4, 7, and 8; and Block 837, Lots 9, 13, 15, 16, 17, 27, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 and parts of Lots 49, Lot C1077 (fmr. Lot 50), 54, 55, and 58 (the "Rezoning Area"); and

2) a zoning text amendment to Zoning Resolution Appendix F to establish the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area.

The Proposed Actions would facilitate the transit-oriented development of three development sites within the Rezoning Area - Block 837, Lots 9, 16, and 17 ("Development Site 1"), Block 837, Lot 27 ("Development Site 2"), and Block 835, Lots 3, 4, 7, and 8 ("Development Site 3") - with three new mixed commercial, community facility, and residential buildings. The proposed developments would provide a total of approximately 295 dwelling units, new local retail, and community spaces, including a senior center and a youth center. Approximately 74 total permanently income-restricted housing units would be created pursuant to the MIH program under MIH Option 1. The MIH units in each development are intended to be reserved as Affordable Independent Residences for Seniors ("AIRS").

2. Background

The Rezoning Area was initially mapped with an R5 zoning district in 1961. It was changed to the current C4-3 (R6 residential equivalent) and R5B zoning districts in the Astoria Rezoning (C 100199 ZMQ, effective May 25, 2010). The Astoria Rezoning, initiated by the Department of City Planning ("DCP"), rezoned all or portions of 238 blocks. It was 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 supporting the production of affordable housing through an associated text amendment to establish the voluntary Inclusionary Housing Program in new R7A and C4-4A zoning districts. The 2010 Astoria Rezoning established the C4-3 zoning district along the 31st Street corridor generally from 28th Road to the south to 23rd Avenue to the north.

3. Description of the Surrounding Area

The Rezoning Area is located in the Astoria neighborhood within Queens Community District 1. The area within a 600-foot radius of the Rezoning Area (the "Surrounding Area") is mapped with commercial and residential zoning districts including C4-3, R5B, and R5D. The Surrounding Area is characterized by commercial and mixed-use buildings, a school (PS 85), and several vacant parcels along 31st Street. Beyond 31st Street to the east and west are primarily one- and two-family residential buildings with some multi-family buildings. The prevailing built form in the Surrounding Area varies by use. Residential and mixed-use buildings range from two- to six-stories in height, commercial buildings range from one- to eight-stories, and industrial buildings are typically low-rise one-story warehouses.

31st Street is a 100-foot wide street with two-way traffic running north and south. Elevated subway tracks serving the N and Q lines run along 31st Street. Astoria Boulevard/Hoyt Avenue North is a 105-foot wide street. Astoria Boulevard/Hoyt Avenue South and the approach to the RFK bridge are located directly to the south (an additional approximately 280-foot width). 24th Avenue is an 80-foot wide street with two-way traffic running east and west. 24th Road is a 50-foot wide street

with two-way traffic running east and west. 32nd Street is a 40-foot wide north and south bound street located to the east of the Rezoning Area.

Hoyt Playground is located across 31st Street to the west of the Rezoning Area. It is a 2.20-acre neighborhood park that provides opportunities for active and passive recreation.

The Surrounding Area is well served by public transit. There are subway stations for the N/Q lines at Astoria Boulevard directly south of the Rezoning Area and at Ditmars Boulevard to the north. Bus service on the M60-SBS (Morningside Heights/LaGuardia Airport) and Q19 (Flushing/Astoria) lines is available at Astoria Boulevard, and the Q69 (Long Island City/Jackson Heights) is available at Ditmars Boulevard. The Surrounding Area is within the Transit Zone, where reduced parking requirements apply to developments that provide income-restricted housing units.

A C4-3 zoning district is mapped along 31st Street within the Surrounding Area. C4 districts are general commercial districts typically mapped in regional centers located outside of central business districts where uses serve a larger region than neighborhood shopping areas. C4 districts generally allow residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Group 5, 6, 8, 9, 10, and 12) uses. No semi-industrial or manufacturing uses are permitted. Developments in C4-3 districts can be constructed pursuant to height factor or Quality Housing regulations. C4-3 has an R6 residential district equivalent and allows a maximum residential floor area ratio ("FAR") of 3.0 for Quality Housing buildings on a wide street or 2.43 FAR under height factor regulations, maximum community facility FAR of 3.0, and maximum commercial FAR of 3.4. The maximum height is 75 feet (7-stories) for Quality Housing buildings with a qualifying ground floor, while height is governed by a sky exposure plane above 60 feet in height factor buildings (approximately 13 stories). In C4-3 districts, off-street accessory parking is required for 50 percent of Quality Housing dwelling units. Accessory parking for commercial uses varies by use but is generally required at a rate of 1 space per 400 square feet of floor area.

R5B districts are mapped generally in the eastern portion of the Surrounding Area beyond 100 feet of 31st Avenue. R5B is a medium-density contextual residential district that generally allows residential (Use Group 1 and 2) and community facility (Use Group 3 and 4) uses. No commercial, semi-industrial or manufacturing uses are permitted. R5B districts have a FAR of 1.35. The maximum street wall height is 30 feet with maximum height of 33 feet. The front yard must be at least five feet deep and it must be at least as deep as one adjacent front yard and no deeper than the other, but it need not exceed a depth of 20 feet. Attached rowhouses do not require side yards. However, there must be at least eight feet between the end buildings in a row and buildings on adjacent zoning lots. Where off-street parking is required, on-site spaces must be provided for two-thirds of the dwelling units. Parking can be waived when only one space is required.

R5D districts are mapped generally in the western portion of the in the Surrounding Area beyond 100 feet of 31st Avenue. Like R5B, R5D is a medium-density contextual residential district that generally allows residential (Use Group 1 and 2) and community facility (Use Group 3 and 4) uses. No commercial or industrial/manufacturing uses are permitted. R5D districts have a maximum FAR of 2.0. The maximum height permitted is 40 feet, or 45 feet with a qualifying ground floor. The minimum lot width for single- and two-family detached houses is 25 feet. Side yards are not required for lots less than 30 feet wide. The front yard must be at least five feet deep and at least as deep as one adjacent front yard but no deeper than the other, although it need not exceed a depth of 20 feet. Off-street parking is required for 66 percent of all dwelling units.

4. Description of the Proposed Rezoning Area

The Rezoning Area is generally bounded by a line 200 feet from and parallel to 24th Avenue to the north, Astoria Boulevard to the south, 31st Street to the west, and 32nd Street and a line 90 feet from and parallel to 31st Street to the east. The Rezoning Area consists of Block 835, Lots 1, 2, 3, 4, 7, and 8; and Block 837, Lots 9, 13, 15, 16, 17, 27, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 and parts of Lots 49, Lot C1077 (fmr. Lot 50), 54, 55, and 58. The majority of the Rezoning Area is within a C4-3 zoning district, with a portion within the adjacent R5B zoning district to the east. The portion of the Rezoning Area within the R5B zoning district is the eastern portion of Block 837 between Astoria Boulevard and 24th Road and an approximately 10-foot strip at the center of the northernmost portion of Block 837.

The Rezoning Area includes three development sites described below. There are also several non-Applicant controlled sites within the Rezoning Area, including the following:

- Block 837, Lot 13 is a 3,251 square foot corner lot. It is improved with a four-story, 11,800 square foot residential building with 16 dwelling units.

- Block 837, Lot 15 is a 1,235 square foot corner lot. It is improved with a two-story, 1,152 square foot residential building with two dwelling units.

- Block 837, Lot 38 is a 2,000 square foot interior lot. It is improved with a two-story, 3,100 square foot residential building with two dwelling units.

- Block 837, Lots 39, 41 and 42 are adjacent interior lots in common ownership with a combined area of 4,458 square feet. These lots are unimproved with buildings and used for surface parking.

- Block 837, Lot 43 is a 2,000 square foot interior lot. It is improved with a three-story, 3,012 square foot residential building with four dwelling units.

- Block 837, Lot 44 is a 2,000 square foot interior lot. It is improved with a two-story, 1,430 square foot residential building with three dwelling units.

- Block 837, Lot 45 is a 2,000 square foot interior lot. It is improved with a three-story, 4,184 square foot mixed commercial and residential building with four dwelling units.

- Block 837, Lot 46 is a 2,000 square foot interior lot. It is improved with a two-story, 2,460 square foot residential building with three dwelling units.

- Block 837, Lot 47 is a 2,000 square foot interior lot. It is improved with a three-story, 4,725 square foot mixed commercial and residential building with five dwelling units.

- Block 837, Lot 48 is a 2,000 square foot corner lot. It is improved with a four-story, 7,500 square foot mixed commercial and residential building with seven dwelling units.

- The Rezoning Area includes an approximately 10 feet strip at the rear of Block 837, Lots 49, Lot C1077 (fmr. Lot 50), 54, 55, and 58.

- Block 835, Lot 1 is a 2,250 square foot corner lot. It is improved with a two-story, 4,336 square foot mixed commercial and residential building with three dwelling units.

- Block 835, Lot 2 is a 2,250 square foot interior lot. It is improved with a three-story, 3,330 square foot residential building with three dwelling units.

5. Description of the Proposed Development Sites

Development Site 1 consists of Block 837, Lots 9, 16, and 17. It is located at the northeastern corner of the intersection of 31st Street and Astoria Boulevard. It is an approximately 10,061 square foot flag-shaped corner lot with approximately 157 feet of frontage on Astoria Boulevard, approximately 100 feet of frontage on 31st Street and approximately 90 feet of frontage on 24th Road. The portion of Development Site 1 located within 80 feet of 31st Street is mapped with a C4-3 zoning district and the remaining portion beyond 80 feet of 31st Street is mapped with an R5B zoning district. Development Site 1 is improved with a one-story, 3,280 square foot commercial building occupied by the Neptune Diner and an unenclosed parking lot with one curb cut on 31st Street.

Development Site 2 consists of Block 837, Lot 27. It is located at the northeastern corner of 24th Road and 31st Street. It is an approximately 29,638 square foot L-shaped corner, interior, and through lot with 90 feet of frontage on 24th Road and 275 feet of frontage on 31st Street. The portion of Development Site 2 within 80 feet of 31st Street is mapped with a C4-3 zoning district and the remaining portion beyond 80 feet of 31st Street is mapped with an R5B zoning lot.

Development Site 2 is improved with a one-story 26,280 square foot commercial building occupied by a Staples retail store and an unenclosed parking lot with one curb cut on 31st Street.

Development Site 3 consists of Block 835, Lots 3, 4, 7, and 8 (which will be merged into a single tax Lot 3). Development Site 3 is an approximately 13,503 square foot rectangular interior lot. It is located midblock on the eastern side of 31st Street between 24th Avenue to the south and 23rd Road to the north. Development Site 3 is vacant and unimproved with buildings.

6. Description of the Proposed Development

The Proposed Actions would facilitate the development of the three development sites with new mixed commercial, community facility and residential buildings with a total of approximately 295 dwelling units, approximately 274,180 square feet total residential floor area, approximately 32,788 square feet of total commercial floor area, and approximately 20,036 square feet of total community facility floor area (with an additional approximately 8,086 square feet of below grade space at Development Site 3). A total of approximately 74 permanently income-restricted units at an average of 60 percent of the Area Median Income ("AMI") would be provided pursuant to MIH Option 1.

The proposed development on Development Site 1 is an 11-story mixed use building with a total of 60,242 square feet of floor area (5.98 FAR) located entirely within the proposed C4-5X zoning district. The proposed development contains 46,394 square feet of residential floor area with 51 dwelling units, including 13 income-restricted housing units reserved as AIRS. It also contains 10,784 square feet of commercial floor area on the first and second floors and 3,064 square feet of community facility floor area intended for a daycare on the second floor. A new curb cut from 24th Road would provide access to six enclosed parking spaces in the cellar of the proposed development on Development Site 1. The proposed development would have a building height of 117 feet above a base height of 87 feet (eight-stories). The height at the rear of the proposed development is reduced to six-stories at the southern midblock frontage along Astoria Boulevard and two-stories at the northern midblock frontage along 24th Road. The southeasternmost portion of Development Site 1 remains unimproved but would be landscaped.

The proposed development on Development Site 2 is a 14-story mixed use building with a total of 180,122 square feet of floor area located partially in the proposed C4-5X zoning district within 200 feet of 24th Road and partially within the proposed C4-4 zoning district beyond 200 feet of 24th Road. The northeasternmost portion of Development Site 2 is outside the Rezoning Area and remains in the R5B zoning district. The proposed development contains 161,706 square feet of residential floor area with 161 dwelling units, including 40 income-restricted housing units reserved as AIRS. It also contains 14,454 square feet of commercial floor area and 3,962 square feet of community facility floor area intended for a senior center on the first floor. A new curb cut from 31st Street would provide access to 52 enclosed parking spaces in the cellar of the proposed development and nine enclosed spaces on the first floor at the rear of Development Site 2. The proposed development would have a building height of 145 feet above a base height of 85 feet (eight-stories). The height at the rear of the proposed development is reduced to six-stories within 50 feet of 24th Road and one-story along the remainder of the proposed zoning district boundary and in the portion of Development Site 2 outside of the Rezoning Area.

The proposed development on Development Site 3 is a 12-story mixed use building with a total of 86,638 square feet of floor area (6.41 FAR) located entirely within the proposed C4-4 zoning district. The proposed development contains 66,080 square feet of residential floor area with 83 dwelling units, including 21 income-restricted housing units reserved as AIRS. It also contains 7,548 square feet of commercial floor area on the first floor and 13,010 square feet of community facility floor area intended for a youth center on the cellar, first, second, and third floors. An additional approximately 8,086 square feet of space in the cellar would be provided for the youth center. A new curb cut from 31st Street would provide access to 19 enclosed parking spaces on the second floor of the proposed development on Development Site 3. The proposed development would have a building height of 129 feet above a base height of 74 feet (seven-stories).

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the project are a zoning map amendment changing the existing C4-3 and R5B zoning districts to C4-5X and C4-4 zoning districts within the Rezoning Area and a zoning text amendment to establish the Rezoning Area as an MIH Area.

Zoning Map Amendment

The proposed C4-5X zoning district is bounded by a line 200 feet north of and parallel to 24th Road to the north, Astoria Boulevard North to the south, 31st Street to the west, and 32nd Street and a line 90 feet from and parallel to 31st Street to the east. The proposed C4-4 zoning district is bounded by a line 200 feet north of and parallel to 24th Avenue to the north, a line 200 feet north of and parallel to 24th Road to the south, 31st Street to the west, and a line 90 feet from and parallel to 31st Street to the east.

The proposed C4-5X district is a mid-density contextual district. It is an R7X residential district equivalent that allows residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Groups 5, 6, 8, 9, 10 and 12) uses. The proposed C4-5X zoning district would allow for a maximum FAR of 6.0 for residential uses with MIH, 4.0 for commercial uses, and 5.0 for community facility uses. The maximum building height is 145 feet above a base height of between 60 and 105 feet. Height is limited to 65 feet within 25 feet of the zoning district boundary with an R5 zoning district. Off street accessory parking for residential uses is required for 50 percent of the non-income restricted units. Parking varies for commercial uses but is generally required at one space per 1,000 square feet of floor area.

The proposed C4-4 zoning district is an R7-2 residential district equivalent that allows residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Groups 5, 6, 8, 9, 10 and 12) uses. Semi-industrial and manufacturing uses are not permitted in C4-4 districts. The maximum permitted FAR is 4.8 FAR for residential uses (5.01 with AIRS), 3.4 for commercial uses, and 6.5 FAR for community facility uses. For certain Quality Housing buildings within 150 feet of an elevated rail line, the proposed C4-4 zoning district permits a maximum base height of 75 feet and a maximum building height of 135 feet. Height is limited to 55 feet within 25 feet of the zoning district boundary with an R5 zoning district. Off street accessory parking for residential uses is required for 50 percent of the non-income restricted units. Parking varies for commercial uses but is generally required at one space per 1,000 square feet of floor area.

The proposed C4-5X and C4-4 zoning districts are consistent with City policy to position higher density developments near transit along wide streets that can support such development. The proposed districts are appropriate because of the close proximity of the Rezoning Area to public transportation and its location along wide streets. The proposed C4-5X zoning district is appropriate because it is located immediately adjacent to the Astoria Boulevard Station and at the intersection of two wide streets, Astoria Boulevard and 31st Street. The proposed C4-4 zoning district, at a lower density than the C4-5X district, is appropriate due to its location within a short walk to the Astoria Boulevard Station and location along wide 31st Street. Moreover, the Rezoning Area is within the Transit Zone, which is recognized as an area well-served by public transportation with low automobile ownership rates. In addition to subway service available on the N/W lines at the Astoria Boulevard Station, bus service is available on the M60-SBS and Q19 lines at Astoria Boulevard and the Q69 line at Ditmars Boulevard to the north.

Similarly, the increase in building maximum height resulting from the zoning change – to 14-stories within the C4-5X district and 13-stories within the C4-4 district – is appropriate as it is comparable to the 13-stories that would be permitted for as-of-right height factor development under the current C4-3 (R6 equivalent) zoning. This increase in height can be accommodated along Astoria Boulevard North and 31st Street within the Rezoning Area.

The proposed C4-5X and C4-4 zoning districts would spur development to activate and invigorate this section of 31st Street enabling it to connect local Queens residents with jobs, retail, and services. The proposed C4-5X and C4-4 zoning districts have the potential to improve the street life, walkability, and safety of the 31st Street corridor, which is dominated by the elevated subway tracks, by promoting new active ground floor uses. Despite the current C4-3 zoning, there is very little local ground floor retail on 31st Street on the blocks north of the Astoria Boulevard station

to serve residents or visitors to Hoyt Playground. Development facilitated by the proposed zoning map amendment would help stitch the areas surrounding 31st Street together by improving the streetscape and pedestrian experience. Within the proposed MIH Area, the zoning map amendment also facilitates the creation of new income-restricted housing in Queens Community District 1, where, according to the U.S. Census Bureau, 37.4 percent of households are rent burdened.[1]

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. As noted above, the U.S. Census Bureau determined that 37.4 percent of households in Queens Community District 1 are rent burdened, spending 35 percent or more of their income on rent. In addition, 18.1 percent of residents in Community District 1 have incomes below the NYC.gov Poverty Measure. With respect to seniors, 13 percent of the population of Queens Community District 1 are 65 or older.

The MIH program requires the provision of permanently income-restricted housing within new residential developments, enlargements, and conversions from non-residential to residential use within mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area requiring the proposed development to comply with the requirements of the MIH Program. MIH Option 1 requires 25 percent of the residential floor area to be provided as housing affordable to households at an average of 60 percent of AMI, with no unit targeted at a level exceeding 130 percent of AMI. MIH Option 2 requires 30 percent of the residential floor area to be provided as housing affordable to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. The Applicant is pursuing MIH Option 1 for the proposed developments. Within the proposed MIH Area, Option 1 would require the creation of permanently income-restricted housing units within the Rezoning Area, resulting in a total of approximately 74 permanently income-restricted housing units in the three proposed developments.

8. Conclusion

The Proposed Actions are consistent with City policy to position higher density developments near transit along wide streets that can support such development and with Housing New York: A Five-Borough, Ten-Year Plan. Overall, the Proposed Actions would help revitalize this portion of 31st Street by facilitating the development of a significant amount of transit-oriented housing, including approximately 74 units of permanently income-restricted housing at low income levels under MIH Option 1 reserved as AIRS, along with new local retail and community space near the recently renovated Astoria Boulevard subway station.

[1] Based on American Community Survey 2014-18 Five Year Estimates for Public Use Microdata Area (PUMA) 4101, which approximates Queens Community District 1, available at: https://communityprofiles.planning.nyc.gov/queens/1#resources.