42-01 28th Avenue Rezoning
42-01 28th Avenue, Queens New York
June 11, 2019

1. INTRODUCTION

Vlacich LLC (the "Applicant"), the owner of the Development Site (as hereinafter defined), is requesting approval of the following actions:

1. a zoning map amendment changing portions of Block 685 (Lots 1, 3, 5, 7, and p/o 10) and portions of Block 701 (Lots 1, 3, 5, 6, 8, 108, and p/o 9) (the "rezoning area") from R5 and R5/C1-2 zoning districts to R6A and R6A/C1-2 zoning districts; and

2. a zoning text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 1, Queens to establish the rezoning area as a Mandatory Inclusionary Housing ("MIH") Area.

The proposed actions would facilitate the development of 42-01 28th Avenue (Block 701, Lots 5, 6, 8, 108, and p/o 9) (the "Development Site") with a new eight-story mixed-use building with 54 dwelling units, including approximately 16 permanently income-restricted housing units, ground floor commercial use, and 66 accessory off-street parking spaces.

2. BACKGROUND

The rezoning area was initially mapped with an R5 zoning district in 1961. The 28th Avenue Rezoning (C 110398 ZMQ, effective June 12, 2013) mapped a C1-2 commercial overlay district on 28th Avenue between 42nd Street and 43rd Street to a depth of 150 feet. The C1-2 overlay was intended to reinforce the commercial character of that portion of 28th Avenue and legalize parking (Block 701, p/o Lots 5 and 9) for a then legally non-conforming restaurant, Piccola Venezia (Block 701, Lot 6). The eastern boundary of the Astoria Rezoning (C 100199 ZMQ, effective May 25, 2010) is located to the west of the proposed rezoning area between 41st Street and Steinway Street. The Astoria Rezoning 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 the production of affordable housing.

3. DESCRIPTION OF THE SURROUNDING AREA

The rezoning area is located in the Borough of Queens in Community District 1 within the Astoria neighborhood. The surrounding area within a 600-foot radius of the rezoning area is characterized by residential use on the midblocks with mixed-use and commercial buildings along 28th Avenue and Steinway Street. The only community facility in the surrounding area is St. Joseph Roman Catholic Church, a house of worship and school located on 30th Avenue between 43rd Street and 44th Street. The prevailing built form in the Surrounding Area is generally consistent with the underlying zoning districts.

Existing land uses within the surrounding area primarily consist of one- and two-family and multi-family residences, mixed-use and commercial buildings. Residential and mixed-use buildings range from two- to five-stories in height and commercial buildings range from one- to two-stories. The majority of the surrounding area is within a large R5 zoning district. There is a C1-2 overlay mapped on the north side of 28th Avenue between 42nd Street and 43rd Street to a depth of 150 feet. To the west of the rezoning area, there is a 150-foot deep C2-2 commercial overlay on the north side of 28th Avenue and a 150-foot deep C1-2 overlay on the south side of 28th Avenue on the eastern side of the blocks midway between Steinway Street and 41st Street. Further to the west are contextual C4-2A (R6A equivalent), R6A, R6B, and R5B zoning districts that were established in the Astoria Rezoning.

R5 zoning districts permit a variety of housing types with a residential floor area ratio ("FAR") of 1.25. The maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building. In addition, any portion of the building that exceeds a height of 33 feet must be

set back from a rear or side yard line. Off-street parking is required for 85 percent of the dwelling units in the building. For blocks entirely within R5 districts, the regulations for predominately-built up areas may be applied to permit a maximum residential FAR of 1.65.

C1-2 commercial overlay districts permit Use Group 6 local retail and service establishments that serve the immediate neighborhood. C2-2 districts also permit Use Group 6 uses, and a slightly wider range of commercial uses in Use Groups 7, 8, 9, and 14 that typically serve a wider area. When mapped in R5 zoning districts, C1 and C2 overlays have a maximum FAR of 1.0, with commercial uses limited to the first floor in mixed-use buildings. The commercial parking requirement in C1-2 and C2-2 districts is generally based on floor area. Most commercial uses require one accessory parking space per 150 square feet of floor area (and cellar space used for retail).

R6A zoning districts allow medium-density apartment buildings at a maximum FAR of 3.0. The maximum building height is 75 feet above a base height of 65 feet. Buildings must set back above the maximum base height to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum of 8 floors. Off-street parking is required for 50 percent of the dwelling units.

C4-2A zoning districts are an R6A residential equivalent, which allow up to 3.0 FAR of commercial floor area. Mixed-use buildings are permitted to have up to two floors of commercial uses with residential use above.

R6B zoning districts permit residential uses with a maximum FAR of 2.0. The minimum street wall height is 30 feet, the maximum street wall height is 45 feet, and the maximum building height is 55 feet. Above the base height, a setback with a depth of at least 10 feet is required from any street wall fronting on a wide street, and at least 15 feet on a narrow street. R6B districts require off-street parking for 50 percent of the dwelling units. The Quality Housing program is mandatory for residential developments.

The site is well served by public transit. Bus service on the Q18 (Maspeth/Astoria) is available along 28th Avenue and the Q101 (Steinway/East Midtown) is available at Steinway Street one block west of the rezoning area. The N/W subway runs along 31st Street with a station at 30th Avenue approximately 0.6 miles to the southwest of the rezoning area.

Astoria Heights Park, a 2.20-acre neighborhood park/playground located southwest of the Development Site, provides opportunities for active and passive recreation.

4. DESCRIPTION OF THE PROPOSED REZONING AREA

The rezoning area consists of portions of Block 685 (Lots 1, 3, 5, 7, and p/o 10) and portions of Block 701 (Lots 1, 3, 5, 6, 8, 108, and p/o 9) generally bounded to the west by 41st Street; to the south by 28th Avenue; to the east by 43rd Street; and to the north by a line 100 feet from and parallel to 28th Avenue between the centerline of 41st Street and the centerline of 42nd Street, a line 125 feet from and parallel to 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 100 feet from and parallel from 28th Avenue to the centerline of 43rd Street.

The rezoning area has 400 feet of combined frontage along 28th Avenue, a wide street at 80-feet. 41st Street, 42nd Street, and 43rd Street are each 60-foot-wide, narrow streets. The portion of Block 701 within the rezoning area is improved with two-story residential buildings (Lots 5 and 9), a two-story mixed-use building with a ground floor restaurant (Lot 6) and its accessory surface parking lot (p/o Lots 5 and 9), one-story semi-detached homes (Lots 8 and 108), a five-story 55-foot tall 4.36 FAR mixed-use building with ground floor retail use (Lot 3), a four-story 2.93 FAR mixed-use building (Lot 1), and a three-story residential building (Lot 78). On Block 685, there are a row of four attached four-story, 45-foot tall residential buildings (Lots 1, 3, 5, and 7) fronting 28th Avenue with FARs of 3.07-3.49. The rezoning area includes a five-foot wide sliver of Lot 10, which is improved with a two-story residential building. The remainder of Blocks 685 and 701, outside the rezoning area to the north, are improved with attached and semi-detached two- and three-story residential buildings and four-story apartment buildings. The surrounding area within the R5 zoning district is similarly improved with attached and semi-detached two- and three-story residential buildings, and four-story apartment buildings.

5. DESCRIPTION OF PROPOSED DEVELOPMENT SITE

The proposed Development Site consists of Block 701, Lots 5, 6, 8, 108, and 9. The Development Site will be merged into a single, rectangular zoning lot with a lot area of 14,725 square feet. The Development Site has approximately 100 feet of frontage on 28th Avenue and 150 feet of frontage on 42nd Street.

The Development Site is improved with two-story residential buildings (Lots 5 and 9), a two-story mixed-use building with a ground floor restaurant occupied by the Piccola Venezia restaurant (Lot 6) and its accessory surface parking lot (p/o Lots 5 and 9), and one-story semi-detached homes (Lots 8 and 108). Piccola Venezia is a family-operated business established in 1973.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is a new eight-story mixed commercial and residential building with a total floor area of 51,462.65 square feet and an FAR of 3.5. The proposed development contains 44,542 square feet of residential floor area and approximately 54 dwelling units. Pursuant to MIH Option 2, the proposed development provides approximately 16 permanently income-restricted housing units (30 percent) at an average of 80 percent of the Area Median Income ("AMI"). The existing C1-2 overlay permits ground floor commercial use and the proposed development contains 6,920.6 square feet of commercial floor area on the ground floor.

The proposed development has a base height of 45 feet. The proposed development sets back above the base height 10-feet along 28th Avenue and 15-feet along 42nd Street before rising to a height of 85 feet. The residential entrance is located on 28th Avenue and the ground floor commercial space will have entrances on both street frontages. A surface parking lot with 10 off-street surface parking spaces accessory to the residential use. A cellar garage provides 56 attended accessory spaces for a total of 66 parking spaces.

The commercial portion of the proposed development will be occupied by Piccola Venezia, which will benefit from a new, larger space with a more efficient layout. The proposed development is designed to fit with the existing built character of the area. The base height of the proposed development is comparable to the adjacent five-story, 55-foot tall building (on Lot 3) and lines up with the row of four-story, 45-foot tall buildings on Block 685 (Lots 1, 3, 5, and 7). The proposed development utilizes different materials on the façade and articulation to add visual interest. The ground floor commercial space will incorporate glazing to enhance the pedestrian experience and activate the streetscape.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The following actions are necessary to facilitate the Proposed Development on the Development Site:

1. a zoning map amendment to change the existing R5 and R5/C1-2 zoning districts mapped in the rezoning area to a R6A and R6A/C1-2 zoning districts; and

2. a zoning text amendment to ZR Appendix F to designate the rezoning area as an MIH Area.

<u>Zoning Map Amendment</u>

The proposed R6A zoning district would provide a moderate increase in development potential from the existing R5 zoning district, facilitating new mixed-use development with the provision of permanently income-restricted housing along a wide street in close proximity to mass transit. Within the proposed MIH Area, R6A zoning districts allow medium-density apartment buildings at a maximum FAR 3.6 for developments that provide income-restricted housing units pursuant to the MIH program requirements. The maximum building height for eligible MIH program buildings with qualifying ground floors is 85 feet after a setback from the base height of up to 65 feet. Buildings must set back above the maximum base height to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum of 8 floors. Off-street parking is

required for 50 percent of the non-income restricted residential dwelling units, and 25 percent of income-restricted housing units outside of the Transit Zone.

The proposed R6A zoning district reflects the existing built character of the pre-war legal, non-complying apartment buildings within the rezoning area. The proposed rezoning would bring these existing non-complying buildings closer to compliance with the bulk provisions of the Zoning Resolution. Moreover, the proposed R6A zoning district is consistent with the density mapped in the surrounding area in the Astoria Rezoning along wide corridors similar to 28th Avenue.

The proposed rezoning is consistent with the City's policy to increase density for new housing along wide streets that can support additional development. Without the proposed rezoning, the Development Site will likely remain unchanged because the bulk permitted within the existing R5 zoning district does not yield the density required to facilitate the redevelopment of the site. The proposed rezoning would increase the overall residential density within Queens Community Board 1 and will contribute to the City's overall goal of creating more permanently income-restricted housing units through the associated MIH text amendment requested in this application.

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. According to the U.S. Census Bureau, 40.5 percent of households in Queens Community District 1 are rent burdened, spending 35 percent or more of their income on rent.[1]

The MIH program requires that permanently income-restricted housing units be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the rezoning area. Within the MIH Area, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of Option 2. 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. Within the MIH Area, Option 2 would allow the creation of 16 permanently income-restricted housing units at the Development Site.

8. CONCLUSION

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses within the surrounding area, while furthering the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan by creating more opportunities for housing. The proposed R6A zoning district promotes the development of new housing and more closely reflects the existing built character of the rezoning area. Mapping an R6A zoning district with an MIH Area designation facilitates the proposed mixed-use, transit-oriented development with 54 dwelling units, including 16 permanently income-restricted housing units, and new commercial use.

[1] Based on American Community Survey 2011-15 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.