42-11 30th Avenue Rezoning
Queens Community District 1
December 22, 2023

1. Introduction

CG Stone Realty, LLC (the "Applicant"), the owner of 42-11 30th Avenue (Block 698, Lots 41 and 44) (the "Development Site"), requests approval of the following actions (the "Proposed Actions") in the Astoria neighborhood of Queens Community District 1:

1) a zoning map amendment changing an R5/C1-2 zoning district to R6A/C2-4 and changing R5/C1-2 to R5 generally along the north side of 30th Avenue between 42nd Street and 43rd Street, including Block 698, Lots 1, 2, part of 39, 40, 41, 44, 45, 47 and 48 (the "Rezoning Area");

2) a zoning text amendment to Zoning Resolution ("ZR") Appendix F to establish the R6A/C2-4-zoned portion of the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area; and

3) a zoning special permit pursuant to ZR § 74-533 for a waiver of required accessory off-street parking spaces to facilitate affordable housing within the Transit Zone.

The Proposed Actions would facilitate the enlargement of the existing one-story Key Food grocery store building at the Development Site into a five-story mixed residential and commercial building. The enlarged building would provide 30 dwelling units, including approximately nine permanently income-restricted units pursuant to MIH Option 1. The enlargement would also provide approximately 9,716 square feet of commercial floor area for an expansion of the existing Key Food grocery store. The proposed special permit would waive the required residential accessory off-street parking spaces for the transit-oriented Development Site.

2. Background

The Rezoning Area was mapped in 1961 with an R5 zoning district and a C1-2 commercial overlay mapped to a depth of 150 feet from 30th Avenue. The Rezoning Area is located just outside the boundaries of the Steinway Street Rezoning (C 980193 ZMQ, effective April 28, 1998), initiated by the Department of City Planning ("DCP"). The Steinway Street rezoning was intended, among other objectives, to direct commercial and residential development to the Steinway Street shopping district between 28th Avenue and Northern Boulevard, which has historically been a commercial corridor through Astoria. The Rezoning Area is also just outside the boundaries of the Astoria Rezoning (C 100199 ZMQ, effective May 25, 2010). The DCP-initiated Astoria Rezoning was intended, among other objectives, to 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 the voluntary Inclusionary Housing Program.

More recently, a private application known as the 42-01 28th Avenue Rezoning (C 190517 ZMQ, effective January 20, 2021) rezoned a portion of the north side of 28th Avenue between 41st Street and 43rd Street from R5 and R5/C1-2 zoning districts to R6A and R6A/C1-2 zoning districts and established an MIH Area to facilitate mixed-use development.

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 residential zoning districts including R5 and R6A with C1-2 commercial overlays mapped along 30th Avenue and 28th Avenue. Steinway Street to the west of the Rezoning Area is mapped with a C4-2A (R6A equivalent) zoning district that was established in the 2010 Astoria Rezoning. While the voluntary Inclusionary Housing Program was established within Astoria in the 2010 rezoning, there are no Inclusionary Housing Designated Areas in or near the Surrounding Area. There is an MIH Area north of the Rezoning Area on 28th Avenue between 41st Street and 43rd Street within the R6A and R6A/C1-2 zoning districts established in 2021 by the 42-01 28th Avenue Rezoning.

The Surrounding Area has a mix of residential, commercial and community facility uses. The Surrounding Area is characterized by mixed-use and commercial buildings along 30th Avenue and Steinway Street with predominately residential use on the mid-blocks. 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 one- to five-stories in height, and commercial buildings range from one- to four-stories. Community facilities in the surrounding area include St. Joseph Roman Catholic Church, a house of worship and school located on 30th Avenue between 43rd Street and 44th Street, and P.S. 70 at the midblock to the south of the Rezoning Area. The prevailing built form in the Surrounding Area is generally consistent with the underlying zoning districts.

Most of the Surrounding Area is within a large R5 zoning district. To the east and west of the Rezoning Area, there is a 150-foot deep C1-2 commercial overlay on the north and south sides of 30th Avenue between Steinway Street and 45th Street. An R6A zoning district is mapped along the south side of 28th Avenue between 41st Street and 43rd Street. Along Steinway Street, to the west is a contextual C4-2A zoning district.

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 a 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. When mapped in R5 zoning districts, C1 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 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 is a contextual district that allows for residential development with a maximum FAR of 3.6 in MIH Areas. Community facility uses have a maximum FAR of 3.0. The building form requires a street wall of 40 to 75 feet in MIH Areas, a setback above the maximum base height of 15 feet on narrow streets and 10 feet on wide streets, and a maximum building height of up to 85 feet (8-stories) with a qualifying ground floor in MIH Areas. New residences are required to provide off-street parking for 50 percent of the dwelling units, with an exemption for income-restricted units within the Transit Zone.

C4 districts are mapped in regional centers where larger stores, theaters and office uses serve a wider region and generate more traffic than neighborhood shopping areas. C4-2A zoning districts are an R6A residential equivalent, which allow a maximum FAR for permitted commercial, community facility and residential uses of 3.0. Mixed-use buildings are permitted to have up to two floors of commercial uses with residential use above. The maximum building height is 75 feet above a maximum 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 seven stories. Off-street accessory parking is required for 50 percent of the dwelling units with lower requirements for income-restricted housing units and developments within the Transit Zone. The off-street parking requirements vary with the use, but generally, one space is required for every 400 square feet of commercial floor area.

Several roadways connect the Surrounding Area to other areas with Astoria and the greater Queens area. 30th Avenue is an east/west corridor through Astoria and into eastern Queens. It is an 80-foot-wide street with two-way traffic. Steinway Street is major north/south corridor through Astoria. It is an 80-foot-wide street with two-way traffic. 42nd Street is a 60-foot-wide narrow one-way street running south. 43rd Street is a 60-foot-wide narrow one-way street running north.

The Surrounding Area is well served by public transit. The 30th Avenue station serving the N/W lines is approximately a half-mile from the Rezoning Area. The 46 Street Station serving the M/R lines is an approximately 0.6-mile walk southeast of the Rezoning Area at Broadway. Additionally,

the Q18 and Q101 bus lines serve the area. The Surrounding Area is within the Transit Zone, where reduced parking requirements apply to developments that provide income-restricted housing units.

4. Description of the Proposed Rezoning Area

The proposed Rezoning Area consists of the southern block end of Block 698 within 150 feet of 30th Avenue between 42nd Street and 43rd Street, including Lots 1, 2, part of 39, 40, 41, 44, 45, 47 and 48. The Rezoning Area is currently mapped with an R5 zoning district with C1-2 commercial overlay mapped to a depth of 150 feet from 30th Avenue. The Rezoning Area is also within an area where discretionary incentives are available under the Food Retail Expansion to Support Health ("FRESH") Program.

In addition to the Development Site (Block 698, Lots 41 and 44) described below, there are also non-Applicant controlled properties within the Rezoning Area, including:

- Lot 1 is an unimproved 2,499 square foot interior lot fronting 42nd Street used as commercial accessory off-street parking for Lot 45. Lot 1 is in common ownership with Lot 45.
- Lot 2 is a 2,513 square foot interior lot fronting 42nd Street improved with a three-story residential building with three dwelling units.
- Lot 39 is a 3,464 square foot interior lot fronting 43rd Street improved with a two-story residential building with two dwelling units.
- Lot 40 is a 1,982 square foot interior lot fronting 43rd Street improved with a garage for accessory off-street parking. Lot 40 is in common ownership with Lot 39.
- Lot 45 is a 5,064 square foot interior lot fronting 30th Avenue improved with a one-story commercial building, occupied by a funeral home. Lot 45 is in common ownership with Lot 1, which serves as an accessory off-street parking area.
- Lot 47 is a 2,500 square foot interior lot fronting 30th Avenue improved with a two-story residential building with two dwelling units.
- Lot 48 is a 2,500 square foot corner lot improved fronting 30th Avenue and 42nd Street with a two-story mixed-use building with two dwelling units. The building has a non-complying FAR of 1.69.

5. Description of the Proposed Development Site

The Development Site consists of two contiguous tax lots on Block 698, Lots 41 and 44. The Development Site has approximately 10,248 square feet of lot area. The portion of the Development Site within 100 feet of the intersection of 30th Avenue and 43rd Street is a corner lot and the remainder is an interior lot. The Lot 41 portion of the Development Site is improved with a one-story and cellar commercial building occupied by a Key Food grocery store. A grocery store has operated at the site since approximately 1949. The Lot 44 portion of the Development Site is unimproved and cleared for development. There are no curb cuts at the Development Site.

6. Description of the Proposed Enlargement

The Proposed Actions would facilitate the enlargement of the existing one-story Key Food grocery store building into a five-story mixed residential and commercial building at the Development Site. The enlarged mixed-use building would have approximately 36,549 square feet of floor area and a FAR of 3.57. It would contain approximately 26,834 square feet of residential floor area with approximately 30 dwelling units. Approximately nine of the dwelling units would be permanently income-restricted under MIH Option 1. The expanded Key Food grocery store on the ground floor would contain 9,716 square feet of commercial floor area. It would have additional accessory storage in an enlarged cellar. No accessory parking would be provided. A minimum of 15 bicycle parking spaces would be provided. The proposed building would rise to a building height of 59 feet.

7. Actions Necessary to Facilitate the Project

The Proposed Actions necessary to facilitate the project are:

1) a zoning map amendment changing an R5/C1-2 zoning district to R6A/C2-4 and changing R5/C1-2 to R5 within the Rezoning Area;

2) a zoning text amendment to ZR Appendix F to establish the R6A/C2-4-zoned portion of the Rezoning Area as an MIH Area; and

3) a zoning special permit pursuant to ZR § 74-533 for a waiver of required accessory off-street parking spaces to facilitate affordable housing within the Transit Zone.

Zoning Map Amendment

The proposed zoning map amendment would allow for the production of new multi-family housing in Queens Community District 1 on an underutilized site located on a wide street near transit. The existing R5 zoning district within the Rezoning Area constrains the development of multi-family housing at the Development Site. The proposed rezoning and associated actions would facilitate new residential development with the provision of permanently income-restricted housing and the enlargement of a local grocery store to serve area needs. It would also reduce the depth of the commercial overlay from 150 feet to 125 feet to reflect existing land use patters along 30th Avenue.

As described above, the proposed R6A zoning district with a C2-4 commercial overlay allows residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Groups 5, 6, 7, 8, 9, and 14) uses. Within MIH Areas, the maximum permitted FAR is 3.6. The proposed R6A/C2-4 zoning district permits a maximum base height of 75 feet and a maximum building height of 85 feet with a qualifying ground floor. 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 commercial floor area with a waiver for 40 or fewer spaces.

The proposed R6A/C2-4 zoning district is consistent with City policy to position higher density developments near transit along wide streets that can support such development. The proposed R6A/C2-4 zoning district is appropriate because it is located along a wide street, 30th Avenue, a mixed-use corridor through Astoria. 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 30th Avenue Station approximately one half-mile from the Rezoning Area and the M/R lines at the 46th Street Station approximately 0.6 miles from the Rezoning Area, bus service is available on the Q18 and Q101 lines. Moreover, the proposed R6A/C2-4 zoning district is consistent with the existing built context. Within the proposed MIH Area, the zoning map amendment also facilitates the creation of new income-restricted housing without reliance on City subsidies. Replacing the existing C1-2 commercial overlay with a C2-4 overlay is appropriate because the C2-4 overlay permits a wider range of local retail and service uses consistent with the variety of commercial uses on 30th Avenue. Reducing the depth of the overlay from 150 feet to 125 feet pulls commercial use from the midblock to 30th Avenue, reflecting the existing land use patterns.

Zoning Special Permit

The proposed special permit pursuant to ZR § 74-533 would allow the waiver of off-street accessory residential parking requirement for the non-income restricted dwelling units within the proposed enlargement. The R6A/C2-4 zoning district requires that accessory parking be provided at a rate of 50 percent of the non-income-restricted dwelling units. A waiver is available for fewer than five required residential spaces. No parking spaces are required for income-restricted units within the Transit Zone. The proposed enlargement with 21 non-income restricted dwelling units would require 11 spaces. As a result, a special permit pursuant to ZR § 74-533 is sought to waive the parking requirement at the Development Site. As discussed in the enclosed Statement of Findings, the required special permit findings are met as the waiver would facilitate the provision of affordable housing, not cause traffic congestion, or have undue adverse effects on the surrounding area.

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 residential development would provide much-needed income-restricted residential units

in an area in with a growing population and corresponding increase in demand for housing. According to the Department of City Planning's 2013 report New York City Population Projections by Age/Sex & Borough, the population of Queens is anticipated to increase by an estimated 7.2 percent in the 30-year projection period. The population will increase from 2.25 million in 2010 to 2.4 million in 2040.[1] As population in Queens is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply. Moreover, 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.[2] In addition, 18.1 percent of residents in Community District 1 have incomes below the NYC.gov Poverty Measure.

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 enlargement to comply with the requirements of the MIH Program. The Applicant is pursuing MIH Option 1 for the proposed enlargement, which requires 25 percent of the residential floor area to be provided as housing affordable to households at an average of 60 percent of the Area Median Income ("AMI") with 10 percent at 40 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. Within the proposed MIH Area, Option 1 would require the creation of permanently income-restricted housing units within the Rezoning Area. The proposed enlargement would produce approximately nine permanently income-restricted housing units. The MIH Area would further the objective of promoting the development of income-restricted housing.

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 facilitate the production of new housing, including income-restricted housing, at an appropriate location on a wide street near mass transit. The designation of the Rezoning Area as an MIH Area would ensure the provision of permanently income-restricted housing and advance New York City's goal of preserving and/or creating 300,000 affordable housing units by 2026. The Proposed Actions would also facilitate the enlargement of a local grocery store to serve the Astoria community.

[1] New York City Population Projections by Age/Sex & Borough, 2010–2040, NYC Department of City Planning, December 2013.
[2] 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.