



IN THE MATTER OF an application submitted by the 30-70 Astoria LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a by changing from an R5B District to an R6B District property bounded by a line 140 feet northwesterly of 38th Street, a line 420 feet northeasterly of 31st Avenue, a line midway between 37th Street and 38th Street, and a line 100 feet northeasterly of 31st Avenue, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 28, 2016

This application for an amendment of the Zoning Map was filed by 30-70 Astoria LLC on October 20, 2014 to rezone a portion of one block from R5B to R6B to facilitate the development of a five-story residential building, containing 26 dwelling units, in Astoria, Queens Community District 1.

BACKGROUND

In 2010 the block bounded by 38th Street, 30th Avenue, 37th Street and 31st Avenue (Block 659) was rezoned from an R6 District to R5B and R6B districts as part of the 230-block Astoria Rezoning, a Department of City Planning initiative intended to comprehensively update the neighborhood zoning to reflect Astoria's established development patterns, while directing opportunities for moderate residential and commercial growth to wide streets and locations near transit. The rezoning resulted in a zoning district boundary line between an R5B and R6B district being established along the centerline of Block 659 midway between 37th and 38th streets and created a split lot condition for eight lots (Lots 73, 75, 76, 77, 78, 79, 81 and 5), each with depths of approximately 140 feet, fronting along 38th Street. The applicant is proposing to extend the existing R6B zoning district over the entirety of the affected lots to facilitate the development of a five-story, 26-unit residential building on property owned by the applicant (Lots 75 and 76).

Block 659 is located one block west of Steinway Street, a major commercial street in Astoria connecting Northern and Astoria boulevards. The block, bounded by 38th Street, 31st Avenue, 37th Street and 30th Avenue, is split by a total of four different zoning districts. Mid-block properties on 38th Street are zoned R6B, and along 37th Street are zoned R5B. Properties located on 31st Avenue are zoned R6A/C1-3. And, properties fronting on 30th Avenue are zoned C4-2A.

Development along 38th Street within the R6B zoning district consists largely of a mix of one- and two-family residences and four-story, multi-family, walk-up apartment buildings. However, the block also contains three elevator apartment buildings, ranging in height from four to five stories, four mixed-use commercial and residential buildings and a six-story mixed use building located directly across the street from the proposed project area. A 25,632 square-foot municipal parking lot is located at the northeastern end of the block front and is zoned R6B/C2-2 and C4-2A.

Nearby parcels along 31st Avenue southwest of the project area are zoned R6A and characterized by a mix of commercial, mixed-use commercial and residential buildings, multi-family apartment buildings and community facility uses. A C1-3 commercial overlay is mapped along 31st Avenue block fronts containing retail and commercial uses. Properties along 30th Avenue, north of the project area are zoned C4-2A, and developed with primarily three-story commercial and mixed-use residential and commercial buildings.

The rezoning area (Block 659, Lots 73, 75, 76, 77, 78, 79, 81 and 5) encompasses the rear portions of eight interior lots, seven of which have frontages along 38th Street between 30th and 31st Avenues. The development parcel (Lots 75 and 76) which is owned by the applicant, is zoned R6B at a depth of 100 feet from 38th Street and extends approximately 40 feet into the adjacent R5B district, and abuts the rear yards of residential properties fronting on 37th Street. Lots 75 and 76 each contain approximately 31 feet of frontage along 38th Street. Lot 75 is developed with a two and one-half story, 4,406 square-foot residential building and Lot 76 contains a two-story, 4,374 square-foot residential building.

The proposed R6B zoning district would be applied to the entirety of the affected lots (Block 659, Lots 73, 75, 76, 77, 78, 79, 81 and 5) and facilitate new development on the applicant's property (Block 659, Lots 75 and 76). The portions of Block 659 that are not under control of the applicant, are not anticipated for redevelopment as they are currently built to the maximum allowable floor

area ratio (FAR) under the existing zoning (Lots 73, 77, 78, and 79) or contain site restrictions (Lots 81 and 5) making redevelopment unlikely. These lots contain five pre-existing, multi-family residential buildings (Lots 73, 77, 78, 79 and 81) and one community facility building (Lot 5). All of these properties, except Lot 5, have frontages on 38th Street and are zoned R6B and R5B. Lots 73, 77 and 78 are developed with four-story multifamily walk-up apartment buildings, developed at FARs ranging from 2.23 to 2.83. Lot 79 is developed with a five-story multifamily walk-up building developed at an FAR of 2.82. Lot 81 is an “L-shaped” lot which wraps around the rear portions of adjacent Lot 84 and Lot 5. It is improved with a two-story multi-family walk-up containing three residential units. Three easements are recorded against Lot 81 for the benefit of adjacent Lot 5 including a lot line window declaration, an egress easement and a dry well declaration.

Lot 5 is a 6,225 square foot lot fronting along 31st Avenue and is zoned R6A/C1-3 at a depth of 100 feet. The rear portion of the lot extends approximately 32 feet into the adjacent R5B zoning district. It is improved with an 8,692 square foot two-story building at an FAR of 1.4. The lot contains a non-commercial club which is classified as a community facility building by the Department of Finance and used by the owner as a recreational social club.

R6B districts typically produce four- and five-story residential buildings. These districts permit a maximum residential FAR of 2.0 and a maximum building height of 50 feet. Off-street parking is required for half of all dwelling units. Front yard parking is prohibited.

R5B districts are intended to preserve the traditional three-story rowhouse and promote new rowhouse development. Detached and semi-detached houses and zero lot line buildings are also permitted. These districts permit a maximum residential FAR of 1.35 and a maximum allowable lot coverage of 55 percent. The maximum streetwall height is 30 feet, above which the building envelope slopes to a maximum roof height of 33 feet. Attached row-houses do not require side yards, but 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. Front yard parking is prohibited.

Under the current R6B/R5B zoning, the applicant's property could be developed at a permitted adjusted FAR of 1.8 and could generate a five story, 50 foot high, 25,700 square foot residential building containing 20 units. Ten parking spaces could be provided at the cellar level.

The proposed zoning map amendment would apply R6B regulations to the applicant's entire property and facilitate the development of a 26-unit, five-story, residential building at an FAR of 1.99. The proposed building will be 50 feet in height. The cellar level will include thirteen bicycle spaces, which will be accessed from a twelve-foot curb cut along 38th Street. The rear yard will include thirteen auto parking spaces, which will be accessed at grade. There will be a total of three trees in front of the development site (two existing and one new) and landscaping included within the front yard of the proposed building. A 611 square foot accessory outdoor recreational space is proposed to be provided at the rear of the lot for use by the building's residents.

ENVIRONMENTAL REVIEW

This application (C 150135 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP047Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on March 28, 2016. The Negative Declaration includes an (E) Designation (E-379) on the project site (Block 659, Lot 74 and 75) in order to preclude future air quality impacts.

The (E) designation text related to air quality is as follows:

Any new residential development on the above-referenced property must ensure that fossil fuel-fires heating and hot water equipment utilize only natural gas to avoid any potential significant air quality impacts.

With the measures specified above, the proposed development would not result in any significant air quality impacts and would meet CEQR guidelines.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

This application (C 150135 ZMQ) was certified as complete by the Department of City Planning on March 28, 2016 and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 1 held a public hearing on the application (C 150135 ZMQ) on May 17, 2016 and on that date, by a vote of 27 in favor, 13 opposed, and 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. Parking in rear yard should be fully screened to prevent intrusion and glare into second story windows from auto headlights.
2. The Applicant should be acutely aware of the condition of the retaining wall at the rear of the site during the 16-month excavation and construction period. The Applicant should make frequent inspections a regular practice to prevent damage to adjacent residences that front on 37th Street.

3. The Applicant and development owners should be accessible for 37th Street owners to discuss progress of the development and the construction effects on their properties.

Borough President Recommendation

This application (C 150135 ZMQ) was considered by the Queens Borough President, who held a public hearing on June 2, 2016 and on June 29, 2016 issued a recommendation to approve the application.

City Planning Commission Hearing

On June 22, 2016 (Calendar No. 3), the Commission scheduled July 13, 2016 for a public hearing on the application. The hearing was duly held on July 13, 2016 (Calendar No.19). There was one speaker in favor of the application and no speakers opposed.

The applicant's attorney described the split lot conditions of eight contiguous lots --- including the applicant's properties --- resulting from the 2010 Astoria rezoning. He described the proposed action as an extension of an existing R6B district along 38th Street to cover the rear portions of the affected lots, allowing development and the full use of the property consistent with the R6B zoning district. The speaker also noted that the proposal would not cause overdevelopment on the block as many of the lots to be rezoned are already developed to the fullest density allowed in an R6B zoning district. In response to the concerns and conditions raised by Community Board 1, the speaker stated that the applicant would be screening the rear yard parking area and would work closely with the neighbors on 37th Street to ensure that construction impacts are minimized.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this proposed amendment to the Zoning Map (C 150135 ZMQ) is appropriate.

The Commission notes that the proposed zoning change will facilitate the development of a five-story, residential building containing 26 units on the applicant's property.

The Commission believes that the proposed zoning change will allow redevelopment on the applicant's property (Block 659, Lots 75 and 76) that would be consistent with the surrounding area contexts. The Commission acknowledges that the proposed rezoning to extend an existing R6B over the entirety of eight contiguous lots would correct a split lot condition resulting from the Department of City Planning's 2010 Astoria Rezoning. The Commission notes that the proposed zoning change would not likely induce new development on properties not owned by the applicant because these properties are either already built to the maximum FAR under the proposed R6B district extension or are encumbered by multiple site easements.

The Commission acknowledges Community Board 1's conditions. While these conditions are beyond the Commission's purview, the Commission was pleased to learn during the public hearing that the applicant intends to work with the community in addressing their concerns with regard to screening and maintaining an open dialogue during construction.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a, from an R5B District to an R6B District property bounded by a line 140 feet northwesterly of 38th Street, a line 420 feet northeasterly of 31st Avenue, a line midway between 37th Street and 38th Street, and a line 100 feet northeasterly of 31st Avenue, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 28, 2016.

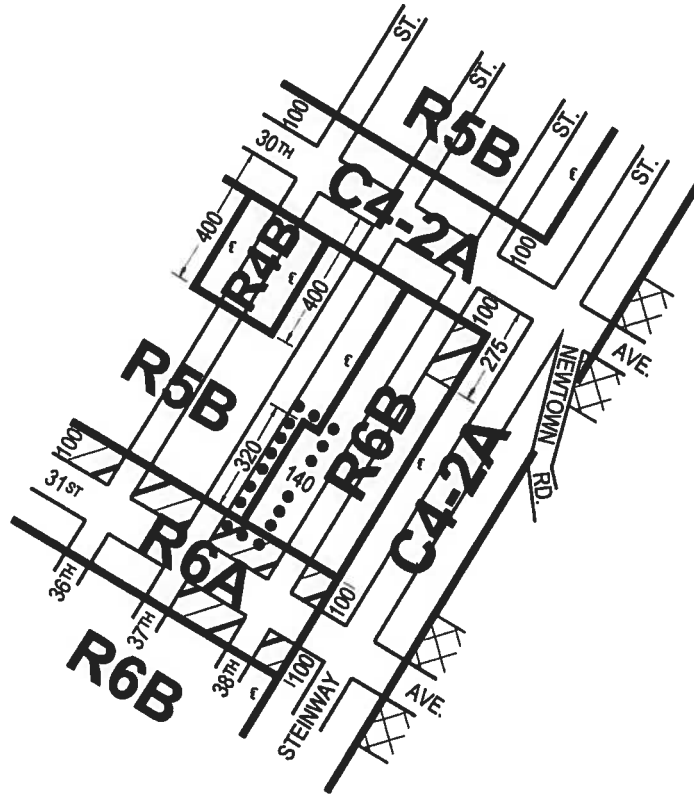
With the assignment of the proposed (E) designation (E-379), no significant adverse impacts related to air quality would result from the proposed action.

The above resolution (C 150135 ZMQ), duly adopted by the City Planning Commission on August 10, 2016 (Calendar No. 26), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**
Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

9a

BOROUGH OF
QUEENS

New York, Certification Date
MARCH 28, 2016

J. Miraglia
 J. Miraglia, Director
 Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing R5B District to an R6B District.
- Indicates a C1-2 District.
- Indicates a C1-3 District.



**City of New York
Community Board #1, Queens**

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Jose Batista

May 18, 2016

Hon. Carl Weisbrod, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: **C 150135 ZMQ Rezone a portion of eight (8) lots from R5B to R6B located at 30-66/70 38th Street (Block 659, Lots 73, 75, 77, 78, 79, 81, 5).**

Dear Chair Weisbrod:

After a duly advertised public hearing on May 17, 2016, Community Board 1 Queens (CB1Q), voted 27 in favor, 13 opposed and 0 abstaining to conditionally approve application C 150135 ZMQ to rezone properties located at 30-66/70 38th Street from R5B to R6B. The proposed Zoning Map Amendment would facilitate the development of a new five-story residential building in central Astoria.

Background

The applicant, 30-70 Astoria LLC, is seeking to rezone portions of eight lots (Block 659, Lots 73, 75, 77, 78, 79, 81, 5) from R5B to R6B. Block 659 is bounded by 30th Avenue to the north, 38th Street to the east, 31st Avenue to the south and 37th Street to the west. The applicant owns Lots 75 and 77 that together make up the development site and intends to construct a five-story (50 feet), 17,479 SF residential building at 1.99 FAR (2.0 FAR maximum) with 23 dwelling units, 13 parking spaces in the rear yard and 13 bike spaces in the cellar.

The subject lots were previously included in the Astoria Rezoning (C 100199 ZMQ), adopted in May 2010, that contextually rezoned 238 blocks in Queens Community District 1. The new zoning district boundary line was placed generally along the centerline of the subject block and split the zoning between R5B and R6B on eight contiguous lots that have average depths of 140 feet. If approved, the proposed rezoning would "adjust" the R6B zoning district line to fully encompass the subject eight lots allowing an additional 1,650 square feet of floor area, an increase in the building footprint of 126 square feet and an additional six dwelling units.

Community Board Review and Recommendation

Board members reviewing the project raised issues concerning reduced light, air and physical impacts of construction and the completed development on the adjacent one-family homes that front on 37th Street to the rear of the site. These homes have rear yards less than the required 30 feet and photos indicate that there is a grade change of about ten feet between the development site and the adjacent homes. The applicant must maintain a 30-foot rear yard but is permitted to use the rear yard for parking.

DEPARTMENT OF CITY PLANNING
JUN 17 REC'D
QUEENS OFFICE

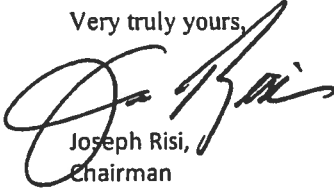
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Dominic Stiller
Marie Tomiali
Rod Townsend

The Board's conditions for approval are:

1. Parking in rear yard should be fully screened to prevent intrusion and glare into second story windows from auto headlights.
2. The Applicant should be acutely aware of the condition of the retaining wall at the rear of the site during the 16-month excavation and construction period. The Applicant should make frequent inspections a regular practice to prevent damage to adjacent residences that front on 37th Street.
3. The Applicant and development owners should be accessible for 37th Street owners to discuss progress of the development and the construction effects on their properties.

Very truly yours,



Joseph Risi,
Chairman

cc: Hon. Costa Constantinides
Hon. Michael Gianaris
Hon Aravella Simotas
Sheldon Lobel, App's Rep.
John Young, DCP
Director of Queens
Deborah Carney
Deputy Director of Queens

Queens Borough President Recommendation

APPLICATION: ULURP #150135 ZMQ

COMMUNITY BOARD: Q01

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted the 30-70 Astoria LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section 9a by changing from an R5B District to an R6B District property bounded by a line 140 feet northwesterly of 38th Street, a line 420 feet northeasterly of 31st Avenue, a line midway between 37th Street and 38th Street, and a line 100 feet northeasterly of 31st Avenue, Astoria, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 28, 2016.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on June 2, 2016, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers on this application. The hearing was closed.

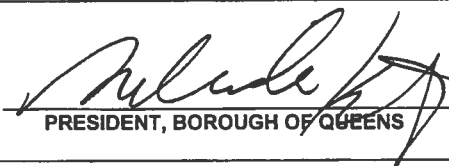
CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- o The applicant is proposing to rezone portions of properties (Block 659 p/o Lots 5, 73, 75, 76, 77, 78 & 79) from R5B to R6B. The proposed rezoning would allow new development on the applicant's properties pursuant to the R6B regulations rather than the split zoning (R6B & R5B) that currently exists on those lots;
- o The affected tax lots range in a depth of 137 to 140 feet measured from 38th Street. The split zoning of those lots was effected by approval of the Astoria Rezoning in 2010. As a result of the rezoning, per standard practice of the Department of City Planning, zoning boundaries were drawn along the centerline of the block to a depth of 100 feet from 37th and 38th Streets. Any lot with a depth greater than 100 feet ended up with split zoning;
- o The proposed rezoning would allow an 17,479 sf (1.99 FAR), 5-story multifamily dwelling with 26 dwelling units, 13 offstreet parking spaces and 13 bicycle parking spaces in the cellar on the applicant's property. The rezoning would allow an additional 1,650 sf (+ 0.187 FAR) to the proposed development;
- o The surrounding area is predominantly developed with low-rise residential and commercial/retail uses. The avenues in the area are zoned for and are developed with mixed retail and residential buildings. Steinway Street, located one-block to the east of the proposed rezoning area, is also zoned and developed with mixed retail/residential buildings. It is not expected that the proposed rezoning would induce much additional development on that block because five of the eight affected properties are already developed with pre-existing four- and five-story buildings;
- o Community Board 1 (CB 1) conditionally approved this application by a vote of twenty-seven (27) in favor with thirteen (13) opposed and none (0) abstaining at a public hearing held on May 17, 2016. CB 1's conditions of approval were as follows: rear yard parking must be screened to prevent intrusion and glare from headlights into neighboring second story windows; throughout construction the applicant must closely monitor the condition and integrity of the retaining walls supporting the abutting properties fronting on 37th Street; and the applicant/developer of the site must remain accessible to the abutting 37th Street property owners in case there are any construction effects on those properties.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS

6/29/16
DATE