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January 8, 2020 / Calendar No. 12

C 190267 ZMQ

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**IN THE MATTER OF** an application submitted by Mega Realty Holding LLC and Pancyprian Association, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c:

1. changing from an R4 District to an R6A District property bounded by 45th Street, Ditmars Boulevard, 46th Street, and a line 525 feet southwesterly of Ditmars Boulevard;
2. changing from an M1-1 District to an R4 District property bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, a line 125 feet northeasterly of 23rd Avenue, 46th Street, Astoria Boulevard North, and 23rd Avenue;
3. changing from an M1-1 District to an R6A District property bounded by 45th Street, a line 525 feet southwesterly of Ditmars Boulevard, 46th Street, a line 125 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeasterly of 23rd Avenue;
4. establishing within the proposed R4 District a C2-3 District bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and 23rd Avenue; and
5. establishing within the proposed R6A District a C2-3 District bounded by 45th Street, a line 275 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeaster of 23rd Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-549.

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The applicants, Mega Realty Holding LLC and Pancyprian Association, Inc., filed this application for a zoning map amendment on January 23, 2019, in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the construction of an eight-story mixed-use building at 22-60 46<sup>th</sup> Street in Astoria, Queens, Community District 1.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 190267 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 190266 ZRQ          Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

## **BACKGROUND**

The applicants, Mega Realty Holding LLC and Pancyprian Association, Inc., seek a zoning map amendment and an amendment to the Zoning Resolution to facilitate the construction of an eight-story mixed-use building with approximately 136 residential units, including 41 permanently affordable units, and a 250-seat community theater in the cellar. The rezoning area and project area are coterminous. The project area (Block 769) is located south of Ditmars Boulevard, between 45<sup>th</sup> and 46<sup>th</sup> streets, and north of the Grand Central Parkway in the Ditmars-Steinway neighborhood of Astoria.

The neighborhood surrounding the project area was predominantly developed with two- and three-story attached and semi-detached residential buildings between the 1920s and 1940s. Multiple houses of worship and schools were built throughout the neighborhood. This neighborhood included a cluster of commercial and light industrial buildings near the project area along Ditmars Boulevard, generally between 42<sup>nd</sup> and 47<sup>th</sup> streets. This commercial and light industrial area was anchored by the Steinway Piano Factory at 45-02 Ditmars Boulevard, which was built in 1901 and converted to residential and commercial uses in 2008. Today, buildings on Ditmars Boulevard northwest of the former Steinway Piano Factory building still exemplify the mixed-use, one- to three-story character of this early-twentieth century development pattern.

LaGuardia Shopping Center, located one block west of the project area at the intersection of Ditmars Boulevard and 45<sup>th</sup> Street, was built in 1997 on a 2.5-acre site and currently includes

local businesses such as a grocery store, restaurants, and a gym. A three-story self-storage facility was completed in 2019 at 22-25 46<sup>th</sup> Street, one block east of the project area. Three parcels along 45<sup>th</sup> Street south of the shopping center were developed in the 1960s and 1970s with one-story light industrial buildings. This block, as well as the project area, are located north of the intersection of Grand Central Parkway and Brooklyn-Queens Expressway.

The City established residential zoning districts surrounding these blocks in 1961, with an R4 zoning district located east of 43<sup>rd</sup> Street and an R5 district west of 43<sup>rd</sup> Street. R4 is a lower-density residential zoning district that allows a maximum floor area ratio (FAR) of 0.75 for residential uses and 2.0 for community facility uses. The maximum building height in R4 zoning districts is 35 feet. R5 is a lower-density residential zoning district that allows a maximum FAR of 1.25 for residential uses and 2.0 for community facility uses. The maximum building height in R5 zoning districts is 40 feet.

In 1961, the City also established an M1-1 zoning district on the project area, the block to the west containing the LaGuardia Shopping Center (Block 782), and on a midblock portion of one block to the east (Block 768). M1-1 districts allow a wide range of commercial and light industrial uses with a maximum FAR of 1.0. Community facility uses are allowed up to an FAR of 2.4. The maximum base height of a building in M1-1 zoning districts is 30 feet, with a maximum building height governed by a sky exposure plane. A C2-2 commercial overlay is located on the southern side of Ditmars Boulevard between 46<sup>th</sup> and 47<sup>th</sup> streets, with a depth of 150 feet. A gas station and three neighborhood-serving retail establishments are located within the commercial overlay.

The project area is approximately 0.5 miles southeast of the Ditmars Boulevard N/W terminal subway station. A bus stop for the Q69 bus is located within the project area, at the intersection of Ditmars Boulevard and 45<sup>th</sup> Street, providing service to Long Island City and Jackson Heights. Three houses of worship and a primary school are within three blocks of the project area, and the Queens Community Board 1 district office is located in the cellar of the converted piano factory building. The approximately one-acre Ditmars Playground is located four blocks west of the project area on Steinway Street south of Ditmars Boulevard.

Within the project area, the six-story converted piano factory building and its two-level accessory parking garage occupy the northern portion of the block (Lot 7501), with frontage on Ditmars Boulevard, and 45<sup>th</sup> and 46<sup>th</sup> streets. The building, now known as Pistilli Manor, is composed primarily of residential condominiums. In 1998, the City Planning Commission approved a rezoning (C 980493 ZMQ) of the former Steinway factory (Block 769, formerly Lot 1) from M1-1 to R4 to facilitate the conversion of the building to residential use. In 2008, the former factory building was converted to 201 condominium units and commercial office space in the cellar.

The development site (Block 769, Lots 25 and 42) is located southwest of the condominium building and accessory parking garage. The development site is an approximately 30,000-square-foot, through-block assemblage of two tax lots. The co-applicant, Mega Realty Holding LLC, has owned Lot 25 for over 20 years and currently uses the existing one-story light industrial building for office and warehouse uses. Lot 42 is improved with a one-story commercial building that is currently occupied by a plumbing supplies vendor. The remaining southwestern portion of the block includes primarily one-story attached residential buildings (Lots 30, 31, 32, 33, 34, 35, 36, 38, 130, and 131), with a one-story commercial building at the corner of 45<sup>th</sup> Street and 23<sup>rd</sup> Avenue (Lot 39).

The applicants propose to develop a new mixed-use building on the development site. The building would include approximately 136 residential units, including 41 permanently affordable units, approximately 1,561 square feet of retail space on the ground floor, and a 250-seat community facility theater in the cellar. The building would extend between 45<sup>th</sup> and 46<sup>th</sup> streets on the ground level, covering the entirety of the through lot. The building would have a six-story (58-foot) base height and an eight-story (77-foot) total height, after 25-foot setbacks, along its two street frontages. A portion of the building, within approximately 17 feet of the southern boundary of the site along 45<sup>th</sup> Street, would have a four-story (39-foot) transitional height abutting the one- and two-story buildings to the south. The primary residential lobby and all commercial space would be located on the 45<sup>th</sup> Street frontage. The theater and a below-grade accessory parking garage, with approximately 105 parking spaces for residents and theater attendees, would be accessible from 46<sup>th</sup> Street.

The Pancyprian Association, a co-applicant and local non-profit organization, is proposed to have theater space in the development. The theater would have an at-grade lobby with dedicated access to a cellar level with a 250-seat proscenium theater, a foyer, restrooms, and a flexible office and meeting space. The Pancyprian Association would use the theater to host cultural and theatrical programs for the Cyprian and Hellenic communities. The Pancyprian Association would also use the theater as a meeting room for the organization's various cultural and athletic activities, typically held on evenings and weekends. The Pancyprian Association would make the theater available to other local community groups for short-term runs of theatrical and cultural performances.

To facilitate the proposed development, the applicants seek a zoning map amendment to change the zoning of the project area from R4 and M1-1 zoning districts to R4, R4/C2-3, R6A, and R6A/C2-3 districts. An R6A zoning district is proposed to be mapped over the majority of the project area, extending between Ditmars Boulevard to depths of 125 feet and 100 feet from 23rd Avenue along 46th Street and 45th Street, respectively. The R6A zoning district would include the development site, the existing six-story condominium building on Ditmars Boulevard and its accessory parking garage, and a one-story residential building south of the development site (Block 769, Lot 30). R6A districts are medium-density contextual residential zoning districts that allow a maximum residential FAR of 3.6, within an MIH area, and a maximum 85-foot building height, with a qualifying ground floor.

An R4 district is proposed to replace M1-1 zoning in the remaining portion of the project area, to more closely reflect the existing one- and two-story residential buildings. A C2-3 commercial overlay would be mapped between 23rd Avenue, 45th Street, a line 275 feet from 23rd Avenue, and the centerline of the block. Within R6A zoning districts, a C2-3 commercial overlay permits a maximum FAR of 2.0 for commercial uses. Within R4 zoning districts, a C2-3 commercial overlay permits a maximum FAR of 1.0 for commercial uses. Accessory residential and commercial parking spaces would be required for 50 percent of market-rate dwelling units, as well as one parking space for every 400 square feet of commercial floor area. In R6A zoning districts, one accessory parking space would be required for every 16 occupants of the non-profit

theater. 92 parking spaces would be required for the proposed development by zoning. 105 parking spaces are proposed.

The R6A portion of the project area would be designated as an MIH area, in conjunction with a related zoning text amendment (N 190266 ZRQ). The MIH program is not applicable in R4 zoning districts. Therefore, the R4 portion of the project area would not be designated as an MIH area. Within the MIH area, any new residential developments or enlargements would be required to comply with MIH Option 2 or Option 4 (Workforce Option). The applicants intend to pursue the Workforce Option for their proposed development. MIH Option 2 requires that 30 percent of residential floor area be reserved for permanently affordable housing at an average of no more than 80 percent of area median income (AMI), or \$76,880 for a three-person family in the New York City area (U.S. Department of Housing and Urban Development, 2019). Household incomes for Option 2 units may not exceed 130 percent of AMI. The Workforce Option requires that 30 percent of residential floor area be reserved for permanently affordable housing at an average of no more than 115 percent of AMI, or \$110,515 for a three-person family in the New York City area. Household incomes for Workforce Option units may not exceed 135 percent of AMI and at least five percent of the floor area would be affordable for incomes at 90 percent of AMI.

The median household income for Queens Community District 1, as reported in the Census Bureau's American Community Survey, was \$59,945 between 2013 and 2017. The average household size was 2.48 people. During this period, the median household income for a two-person household was equivalent to 87 percent of AMI (\$74,255), and 81 percent of AMI for a three-person household.

On October 29, 2019, the applicants filed a revised land use application that reflects post-certification changes to the proposed development based on feedback received during public review. The applicants propose an eight-story building with approximately 88 dwelling units (including 28 permanently affordable units), a 250-seat theater, and approximately 70 accessory parking spaces (the applicants previously proposed a 105-space parking garage). The applicants revised the number of units in the proposed development in response to the Community Board's

concerns about the size of the proposed units. The applicants previously proposed 79 studios, 42 one-bedrooms, 11 two-bedrooms, and four three-bedrooms. The applicants' revised proposal would include 35 one-bedroom, 37 two-bedroom, and 16 three-bedroom units. No studio units are proposed. Building heights were proposed to be increased to accommodate larger units, with an 85-foot total height (previously 77 feet) and a 45-foot transitional height (previously 39 feet) on the site's southern boundary. The number of stories was not proposed to be changed. The full expanse of the building's 45<sup>th</sup> Street and 46<sup>th</sup> Street base portions (65-foot heights) would be set back from the street line between six and nine feet to create landscaped open areas in front of the building's entrances.

In a letter to the Borough President dated December 2, 2019, the applicants reiterated these changes to the proposal and made additional commitments to the Borough President to address community concerns. The applicants agreed to the following commitments for the proposed development. "Limit total housing units on site to 88; restrict the unit mix to one-bedroom, two-bedroom and three-bedroom units, no studios will be included; increasing parking by 10 spaces to 80 spaces, and provide a 20% discounted monthly rate to building tenants to incentivize use; provide landscaped public open space and seating in the street wall setback area on both frontages of the building; and limit the community theater to nonprofit cultural groups and provide validated parking rates for theater events."

Additionally, the applicants committed to the Borough President to provide the following community amenities in conjunction with their proposed development: "Sponsor the beautification, cleanup and ongoing maintenance of the traffic triangle between 23<sup>rd</sup> Avenue, Astoria Boulevard and 46<sup>th</sup> Street; make the community room and 2<sup>nd</sup> Floor terrace accessible to local organized groups for occasional events and/or meetings; provide several free community events and/or art exhibitions per year within the cultural theater space; create a Wi-Fi hot spot for public use at the building street fronts; use best efforts to secure a CitiBike rack in front of the building in a manner that would not impact street parking; add local art and murals on the ground floor visible to the public; provide rainwater harvesting for planting beds; and consider a homeownership component for some of the units in the building."

## **ENVIRONMENTAL REVIEW**

This application (C 190267 ZMQ), in conjunction with the related application for a zoning text amendment (N 190266 ZRQ), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 19DCP145Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 26, 2019. The Negative Declaration includes an (E) designation (E-549) related to air quality and hazardous materials to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 190267 ZMQ) was certified as complete by the Department of City Planning on August 26, 2019, and duly referred to Queens Community Board 1 and the Queens Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 190266 ZRQ), which was referred for information and review in accordance with the procedures for non-Uniform Land Use Review Procedure (ULURP) matters.

## **Community Board Public Hearing**

Queens Community Board 1 held a public hearing on this application (C 190267 ZMQ) and the related application for a zoning text amendment (N 190266 ZRQ) on October 10, 2019, and on that date, by a vote of 21 in favor, 12 opposed, and one not voting for cause, voted to recommend disapproval of the application, unless the following conditions are met:

“Zoning:

- a. [Community Board 1 supports] the R4 component of the rezoning action;



- b. Lower the zoning district or redesign the building to better reflect the surrounding R4 context and character by reducing the building height and not using the adjacent six-story building as a reference for residential context;
- c. Height and setback of front wall should not exceed six stories or penetrate street walls.

MIH Option Selection: Select MIH Option 1 for 30% of the residential floor area.

Density: Limit the maximum number of units to 88 as stated in a letter to the CBIQ Land Use and Zoning Committee letter from Mega Development dated October 8, 2019.

Unit Mix: Provide an apartment distribution comprised of 0% studios, 40% one-bedroom, 42% two-bedroom and 18% three-bedroom units as stated in October 8<sup>th</sup> Mega Development letter.

Open Space: Provide landscaped areas accessible to the public as passive open space as stated in October 8<sup>th</sup> Mega Development letter.

Parking:

- a. Increase the number of parking spaces to avoid attended parking that requires 24/7 personnel for vehicle retrieval;
- b. Provide discounted parking rates for tenants and parking validation for theater attendees to encourage garage use.

Theater use: Limit theater use and rental to non-profit community and cultural groups.”

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 190267 ZMQ) and the related action for a zoning text amendment (N 190266 ZRQ) on October 31, 2019, and on December 2, 2019, issued a recommendation to approve the application with the following conditions:

“The current manufacturing zone would allow, as-of-right, a variety of light and industrial or commercial uses with no height limitation that would not be compatible with the character of the existing buildings surrounding it. The applicant’s site is located within a mixed-use area with low rise residential homes, the [70-foot] Pistilli Building and other industrial buildings. [Community Board 1] in their recommendation included a condition on height. The applicant should make every effort to address the Community Board’s concern.

[Community Board 1] has expressed concerns that the proposed level of affordability is too high for the community around it. The applicant should strongly consider this condition.”

### **City Planning Commission Public Hearing**

On November 13, 2019, (Calendar No. 9), the City Planning Commission scheduled December 4, 2019 for a public hearing on this application (C 190267 ZMQ) and the related application for a zoning text amendment (N 190266 ZRQ). The hearing was duly held on December 4, 2019 (Calendar No. 17). Six speakers spoke in favor and six speakers spoke in opposition to the application. Six people also electronically submitted testimony in favor of the application.

Mega Realty Holding LLC and their counsel presented an overview of the project and expressed a need for middle-income housing both across the city and in Astoria. The applicant’s affordable housing manager for the proposed development shared its intention to conduct community outreach for the affordable housing lottery, and expressed a need for middle-income, family-sized units in Astoria. Two representatives of the Pancyprian Association highlighted a desire for additional cultural space in Astoria. A representative of the Greek Cultural Center, based in Astoria, spoke in favor of and shared their experience with space constraints for arts and cultural groups in Astoria. A local teacher and four neighbors also spoke in favor of the application, sharing their belief that the proposed development would improve an underutilized area in their neighborhood. A representative of 32BJ SEIU spoke in favor of the application, stating that the applicant has committed to providing union jobs for building service workers at prevailing wages, and expressed a desire for more family-sized units in Astoria.

Six neighboring homeowners spoke in opposition of the application. They expressed concerns that the proposed development would be out of scale with the surrounding lower-density context. Further, these speakers were concerned that the proposed development would increase local traffic, constrain the availability of on-street parking spaces, overcrowd local schools, and overburden nearby transit routes.

There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this application (C 190267 ZMQ) for an amendment to the Zoning Map, in conjunction with the related application for a zoning text amendment (N 190266 ZRQ), is appropriate.

The project area is located in a predominantly residential neighborhood, and proximate to a subway station and a bus stop. It is well suited to accommodate residential uses that will complement existing residential buildings on the block. Additionally, the proposed C2-3 commercial overlay will complement existing commercial uses along 45<sup>th</sup> Street.

The proposed zoning districts will establish appropriate transitions for the building heights and densities within the project area, with higher building heights on the northern portion of the project area and lower building heights along the southern portion of the project area near 23<sup>rd</sup> Avenue. An R6A zoning district on the northern portion of the block will allow for building heights that are comparable to the existing 70-foot-tall Pistilli Manor building. An R4 zoning district on the southern portion of the block will allow for heights comparable to existing one- and two-story buildings on this portion of the block.

The proposed text amendment to designate the R6A district as an MIH area is appropriate. The designation is consistent with the City's policy objectives for promoting the development of affordable housing across the city, particularly in areas well served by transit. Further, the

Commission supports the development of new affordable housing in a neighborhood with a significant need for new income-restricted units.

Regarding the Community Board and Borough President's concerns with the MIH Workforce Option: The MIH program is designed with the flexibility to meet the needs of neighborhoods with a wide range of income levels and market conditions. All options in the MIH program establish a minimum level of affordability. The Commission notes that the selection of an MIH option may acknowledge market conditions or housing mix in the area, but it should not be driven by the desire to cross-subsidize the non-residential program elements of the proposed development. However, the options proposed, MIH Option 2 and MIH Option 4 (Workforce Option), would both support neighborhood economic diversity by requiring units be permanently affordable to significant segments of New York City households.

The Commission acknowledges requests by the Community Board and Borough President regarding the quantity and mix of dwelling units, open space, parking, and theater use. The R6A zoning district on the development site will provide the applicants with flexibility to accommodate these requests.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on August 26, 2019 with respect to this application (CEQR No. 19DCP145Q), 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 the consideration described in this report, 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. 9c:

1. changing from an R4 District to an R6A District property bounded by 45th Street, Ditmars Boulevard, 46th Street, and a line 525 feet southwesterly of Ditmars Boulevard;
2. changing from an M1-1 District to an R4 District property bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, a line 125 feet northeasterly of 23rd Avenue, 46th Street, Astoria Boulevard North, and 23rd Avenue;
3. changing from an M1-1 District to an R6A District property bounded by 45th Street, a line 525 feet southwesterly of Ditmars Boulevard, 46th Street, a line 125 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeasterly of 23rd Avenue;
4. establishing within the proposed R4 District a C2-3 District bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and 23rd Avenue; and
5. establishing within the proposed R6A District a C2-3 District bounded by 45th Street, a line 275 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeaster of 23rd Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-549.

The above resolution (C 190267 ZMQ), duly adopted by the City Planning Commission on January 8, 2020 (Calendar No. 12), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*

**ALLEN P. CAPPELLI**, *Esq.*, **ALFRED C. CERULLO, III**,

**MICHELLE R. de la UZ**, **JOSEPH I. DOUEK**, **HOPE KNIGHT**, **ANNA HAYES LEVIN**,

**LARISA ORTIZ**, **RAJ RAMPERSHAD**, *Commissioners*



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

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October 29, 2019

Honorable Marisa Lago  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

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Antonio Meloni  
*Transportation*  
Robert Piazza  
Jose Batista

RE: 1. **C 190267 ZMQ** Zoning Map amendment to rezone one block bounded by Ditmars Boulevard, 46<sup>th</sup> Street, 23<sup>rd</sup> Avenue and 45<sup>th</sup> Street from R4 and M1-1 zoning districts to R4, R4/C2-3, R6A, and R6A/C2-3 zoning districts; and  
2. **N 190266 ZRQ** Amend Appendix F of the Zoning Resolution to designate a portion of the Project Area within the proposed R6A district as a Mandatory Inclusionary Housing ("MIH") Area (Option 2 and the Workforce Option).

Dear Chair Lago,

Community Board 1 Queens (CBIQ) held a duly advertised public hearing on October 10, 2019 for the referenced applications. With a quorum present and by roll call vote, the Board voted 21 in favor, 12 against with one not voting for cause, to recommend disapproval of both applications unless conditions listed below are met:

- 1. Zoning: a) Support the R4 component of the rezoning action;  
b) Lower the zoning district or redesign the building to better reflect the surrounding R4 context and character by reducing the building height and not using the adjacent six-story building as a reference for residential context;  
c) Height and setback of front walls should not exceed six stories or penetrate street walls.
- 2. MIH Option Selection: Select MIH Option 1 for 30% of the residential floor area.
- 3. Density: Limit the maximum number of units to 88 as stated in a letter to the CBIQ Land Use and Zoning Committee letter from Mega Development dated October 8, 2019.
- 4. Unit Mix: Provide an apartment distribution comprised of 0% studios, 40% one-bedroom, 42% two-bedroom and 18% three-bedroom units as stated in October 8<sup>th</sup> Mega Development letter.

5. Open Space: Provide landscaped areas accessible to the public as passive open space as stated in October 8<sup>th</sup> Mega Development letter.
6. Parking: a) Increase the number of parking spaces to avoid attended parking that requires 24/7 personnel for vehicle retrieval;  
b) Provide discounted parking rates for tenants and parking validation for theater attendees to encourage garage use;
7. Theater Use: Limit theater use and rental to non-profit community and cultural groups.

## **Background**

### Outreach

The Applicants' representatives held three outreach meetings: on February 11, 2019 with the CBIQ Chair and Land Use Committee Co-Chairs to get initial feedback on their draft proposal; on June 5<sup>th</sup> with the full Committee after the application was filed with City Planning, and on October 2<sup>nd</sup> after certification when the Applicants returned to the Land Use Committee post-certification (August 26<sup>th</sup>) to present changes they were willing to make to the project. Those modifications were described in a letter to the Committee dated October 8, 2019 and appear later in this letter.

### Proposed Actions

Mega Realty Holding LLC and Pancyprian Association, Inc., co-applicants, filed a request to rezone one block of larger M1-1 and R4 districts to R6A, R6A/C2-3 and R4 and to designate a Mandatory Inclusionary Housing area with the Workforce Option. If approved, these actions would facilitate development of two eight-story, mixed-use buildings at 22-60 46<sup>th</sup> Street and 22-61 45<sup>th</sup> Street in CD1Q's Steinway neighborhood.

### Site and Surrounding Area, Zoning and Land Use

The block to be rezoned is bounded by Ditmars Boulevard, 46<sup>th</sup> Street, 23<sup>rd</sup> Avenue and 45<sup>th</sup> Street and developed with one-story warehouse buildings (the Applicant's development site), a six-story residential building, commercial uses and one- and two-story row houses that are legal, nonconforming uses. Surrounding development includes a shopping center and one-story warehouses one block to the west and a self-storage facility located to the east, all within the same larger M1-1 district as the rezoning area. One-story single-family homes zone are located directly across from the development site on 45<sup>th</sup> Street and are part of a larger R4 district. Nearby development is predominantly low-rise with one- two-and three-story structures. Mass transit in the area is limited to the Q69 bus that runs along Ditmars Boulevard, connecting with the N/W trains at the Ditmars Boulevard station 15 blocks away on 31<sup>st</sup> Street (0.7 miles). The bus also connects with the F line on 21<sup>st</sup> Street at 40<sup>th</sup> Avenue (35 minutes). An MTA select bus (M60) runs on Astoria Boulevard two blocks west.

### Proposed Development (Illustrative)

The Applicants propose to build two eight-story buildings on a 30,008 SF zoning lot comprised of two contiguous mid-block tax lots. They form a through-block zoning lot between two narrow streets. The buildings would rise to 76'6" after a 15' setback at 57'6" and be connected at first floor level. Total floor area will be 172,953 GSF at 3.6 FAR. Building A fronts on 46<sup>th</sup> Street and Building B on 45<sup>th</sup> Street. The buildings will have 104,903 SF residential floor area with 136 apartments including 41 permanently affordable units renting under MIH Workforce Option. The proposed unit mix would be 50% studios, 25% 1-BRs and 25% 2-BRs. A 250-seat theater (community facility) will occupy 1,564 SF ground floor space and 7,000 SF (uncounted FA) below grade in Building A. There will be 1,564 SF of commercial uses on the ground floor Building B along 45<sup>th</sup> Street with 8,400 SF (uncounted FA) in Building B cellar. Open space for residents will be located on roof of the ground level connection between the buildings and building roofs. Attended parking for 105 cars is provided, most in a cellar garage with access from 46<sup>th</sup> Street. An eight-foot side yard abuts existing residential and commercial uses to the south. The Pancyprian Association will lease the theater from Mega for rehearsals and performances by the Association's dance, chorus, theater and women's groups. The theater could be sublet to other cultural and artistic groups.

## Summary of Project Review and Comment

### Comments and Review

The Land Use Committee's comments appear below in italics and are followed in some sections are supported by American Community Survey 2013-2017 Neighborhood Tabulation data for the Steinway area where the project is located.

#### Character, Context, Land Use and Zoning

*The proposed building is significantly larger than surrounding development and is inconsistent with the area's lower scale character, built forms and density.*

Predominant residential uses in the Steinway neighborhood are one-, two- and three-family detached, semi-detached, row house structures and small multi-family buildings. Almost 60% of the residential structures contain five units or less. Only 13.2% of the remaining structures have 20 units or more. Closer to the project, (¼ mile) 65.1% of the structures have less than five units. The proposed building envelope will be significantly out of character with the area's development that is generally two and three stories.

*Lower the zoning district or redesign the building to better relate to adjacent and surrounding development. The adjacent six-story building should not determine residential context.*

The scale and massing of the new development is even larger than the adjacent six-story residential building (now the Pistilli Grand Manor) that is used as a contextual reference in the application. The former Steinway Piano Ditmars Plant is a unique structure in the area, does not represent the area's residential context and should not set a standard for new residential development in this area. It sits on a lot that is approximately 105,000 SF, has about 202,000 SF of floor. After a series of zoning actions from 1993 to 1998 that did not result in a successful redevelopment project, the building, zoned R4, was sold and converted into the current 201-unit condominium complex now included in the proposed R6A district.

*The proposed R6A/C2-3 zoning district will set a precedent for future rezoning actions in the area with higher densities on nearby soft sites.*

Two warehouses, an auto repair use and a one-story shopping/office center occupy most of 45<sup>th</sup> Street block that is still zoned M1-1. In the current market, these lots would probably considered underutilized and suitable for redevelopment.

#### Open Space

*There is a need for a theater use in the District, perhaps with affordable housing for artists.*

#### Apartment Size

*The proposed unit mix does not reflect the profile of apartments in the neighborhood:*

The area's average household size for renters is 2.35 persons. The median number of rooms per apartment is 3.9 rooms. The unit distribution in the area by apartment size is 3.5% studios, 27.8% 1 bedrooms, 32.2% 2 bedrooms and 15.4% 3 bedrooms.

#### Affordability

*The Applicants should select MIH Option 1 or 2 with income tiers closer to or below the local area AMI. The MIH Workforce Option income tiers and the projected rents for the MIH units are too high and close to or exceed current market rents in the area.*

The Applicant selected the Workforce Option that would average a maximum of 115% AMI with 5% of the units below 70% AMI, 5% below 90% AMI and 20% of units at 135% AMI. (See Applicant's Modifications below.) In the Steinway neighborhood 61.6% of renters are already paying more than 35% of their income and more than 23% of renters pay 50% or more of their income for rent. Area median household income is \$69,298 and the area median gross rent is \$1666 (NYC median rent is \$1340). Recent market rentals advertised online adjacent to project site were 1BR - \$2295 and 2BRs - \$2700. In private homes rents were 2BRs - \$2300 and 3BRs - \$2700.

#### Parking

*The theater use and the number of new apartments will bring significant on-street parking impacts and increase traffic congestion on local streets.*



The applicant mentioned that to accommodate the proposed 105 spaces on site, they would have attended parking and probably require a third-party operator with a 24/7 garage attendant. An operator with valet access to cars will discourage resident parking with high monthly fees (adjacent residential garage now charges \$300 monthly). Anticipated parking valet fees for performances will discourage theater attendee parking and lead to increased traffic on local streets and on-street parking impacts. This kind of private operation cannot be justified to satisfy accessory parking requirements for a new development.

Open Space

*There is a lack of accessible passive open space in the area for area residents.*

Summary of Proposed Modifications

1. Total number of units reduced from 136 to 88 units by reallocating floor area with an apartment distribution of 0% studios, 35 – 1 BRs (40%), 37 – 2 BRs (42%) and 16 – 3 BRs (18%).

2. Number of affordable units reduced from 41 to 28 units but the Applicants still propose the Workforce Option with the following projected income tiers and rents for MIH units:

	#	Income	Rent
70% AMI (5 units) Income ranges:	2-1 BR:	\$46,972 to \$58,450	\$1,298
	2-2 BR:	\$56,332 to \$73,010	\$1,567
	1-3 BR:	\$65,075 to \$84,700	\$1,803
90% AMI (5 units) Income ranges:	2-1 BR:	\$60,378 to \$75,150	\$1,689
	2-2 BR:	\$74,412 to \$93,870	\$2,036
	1-3 BR:	\$83,692 to \$108,900	\$2,346
135% AMI (18 units) Income ranges:	7-1 BR:	\$90,583 to \$112,725	\$2,570
	8-2 BR:	\$108,652 to \$140,805	\$3,093
	3-3 BR:	\$125,520 to \$163,350	\$3,566

3. Buildings will set back 10' from the property line approximately on both side streets to line up with the adjacent structures and provide landscaped, publicly accessible space for passive recreation.

4. Parking reduced from 105 to 70 spaces to reflect new unit count but still exceeds 43 spaces required by zoning. Applicants are talking with owners of nearby parking facilities about using their facilities for performance dates if additional parking is needed.

5. Theater will have an on-site manager and theater coordinator and used by Pancyprian Association groups weekly or bi-weekly for evening rehearsals and approximately six annual performance events.

6. Building and theater will be constructed with a focus on energy efficiency, water conservation and sustainable materials.

CB Public Hearing

At the Board's public hearing on October 10, 2019, the Applicants and their representatives gave an overview of the Pancyprian's history of cultural activities, of the requested zoning actions and the proposed development including the changes. They responded to statements and questions from Board members about selecting of the Workforce Option, the large number of MIH rents that are 135% AMI and reasons for not selecting Option 1 or Option 2, the need to subsidize the theater component, plans for the property if rezoning is not approved, parking operations and fees, higher rents pricing out people from the area, increasing property taxes and limited access to mass transit.

There were 132 people who signed an attendance sheet for this hearing item with 65 indicating their opposition to the project and 63 indicating support. Because of limited time available for the hearing, the number of speakers was limited to 18: nine in support and nine opposed. A representative from the office of State Senator Jessica Ramos stated they would support the Community Board's recommendation.

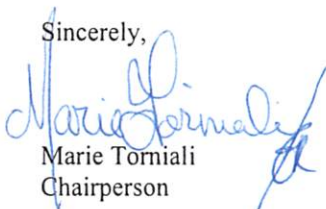
Speakers in opposition included members of the Astoria Homeowners, Tenants & Business Civic Association and long-time residents from the immediate area who testified that the proposed building didn't fit into the community, it will change the character of the neighborhood and destroy residential values, will impact infrastructure, increase traffic and impede emergency vehicles on already congested streets. They questioned whether a theater was an appropriate use for a residential area and whether it was right to have housing subsidize a theater instead or the reverse. They supported no more than three-family homes in this area. The former president of Astoria Homeowners stated they submitted petitions with 500+ signatures against the project. He also stated he reviewed the supporting petitions and found that most of those signatures were from people who lived outside the area.

Speakers in favor of the proposal included two area residents and members of the women's and music divisions of the Pancyprian Association and the Federation of Cypriot American Associations. The residents testified that residential development was preferable to keeping the existing warehouses and the theater will bring benefits to the community. The president of the Federation of Cypriot American Associations testified the theater would serve all nationalities for lectures, cultural performances and civic meetings. The artistic and music director of the Pancyprian Association stated a theater for performance art will have a positive impact on artists and future generations and makes lives better and the president of the Pancyprian Association testified that 80% of its members live in Astoria and organizations like theirs keep people together.

Before closing the public hearing, the CB1Q Chair asked for a show of hands indicating their position on the project. A visual count indicated approximately 60 opposed and 30 in support of the proposed actions. The Chair also noted that the CB office received two petitions on the item: one from the Astoria Homeowners and Tenants Association in opposition and another from the Applicants and Pancyprian Association in support.

CB1Q is aware that some of the conditions are outside the Commission's purview. Nevertheless, they address and explain the community's issues and concerns about the proposed actions and the development's impacts. The Board acknowledges the changes to the density and the unit mix but insists on an MIH option that will make the project more affordable and changes that will make the building more relatable to the surrounding area.

Sincerely,

  
Marie Torniali  
Chairperson

  
Elizabeth Erion, Co-Chair  
Land Use and Zoning Committee

  
Gerald Caliendo, Co-Chair  
Land Use and Zoning Committee

- cc: Honorable Melinda Katz  
Honorable Michael Gianaris  
Honorable Jessica Ramos  
Honorable Aravella Simotas  
Honorable Catherine Nolan  
Honorable Brian Barnwell  
Honorable Costa Constantinides  
Honorable Jimmy Van Bramer  
Mr. Irving Poy, Director, Land Use, BPQ  
Mr. John D. Young, Director, DCP, Queens Office  
Mr. Blake Montieth, City Planner/Urban Designer, DCP, Queens Office  
Mr. Hercules Argyriou, Mega Contracting Group  
Mr. Emanuel Kokinakis, Mega Contracting Group  
Ms. Lauren George, Constantinople & Vallone Consulting LLC  
Ms. Nora Martins, Akerman LLP

# Queens Borough President Recommendation

**APPLICATION: ULURP #190267 ZMQ**

**COMMUNITY BOARD: Q01**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman, LLP on behalf of Mega Realty Holding LLC and Pancyprian Association, Inc., pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map Section No. 9c:

1. changing from an R4 District to an R6A District property bounded by 45<sup>th</sup> Street, Ditmars Boulevard, 46<sup>th</sup> Street, and a line 525 southwesterly of Ditmars Boulevard;
2. changing from an M1-1 District to an R4 District property bounded by 45<sup>th</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, a line 125 northeasterly of 23<sup>rd</sup> Avenue, 46<sup>th</sup> Street, Astoria Boulevard North, and 23<sup>rd</sup> Avenue;
3. changing from an M1-1 District to an R6A District property bounded by 45<sup>th</sup> Street, a line 525 feet southwesterly of Ditmars Boulevard, 46<sup>th</sup> Street, a line 125 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, and a line 100 feet northeasterly of 23<sup>rd</sup> Avenue;
4. establishing within the proposed R6A District a C2-3 District bounded by 45<sup>th</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, and 23<sup>rd</sup> Avenue; and
5. establishing within the proposed R6A District a C2-3 District bounded by 45<sup>th</sup> Street, a line 275 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, and a line 100 feet northeasterly of 23<sup>rd</sup> Avenue;

Borough of Queens. Community District 1, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-549. (Related application ULURP #190266 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, October 31, 2019, 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 seven (7) speakers in favor with nine (9) against. 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:

- The application is proposing to rezone a block bounded by Ditmars Boulevard & 23<sup>rd</sup> Avenue between 45<sup>th</sup> & 46<sup>th</sup> Streets from an existing R4 District to R6A, and an existing M1-1 District to R4, R6A and R6A/C2-3. The proposed rezoning would facilitate development of the applicant's site and make some existing non-conforming residences conforming;
- The applicant's site is a through lot with frontages on 45<sup>th</sup> and 46<sup>th</sup> Streets located in an M1-1 District that is currently developed with a one-story industrial building. The proposed development would be two eight-story buildings connected by a ground floor level with a rooftop landscaped green space between the buildings. The revised proposal is for 88 units of housing with 35 one-bedroom units, 37 two-bedrooms and 16 three-bedrooms. 28 of the 88 units would be Mandatory Inclusionary Housing (MIH) affordable housing using the Workforce Option provision for 30% of built floor area at an average 115% AMI. There would also be valet parking for 70 cars, 7060 sf of commercial space, a 250-seat community theater, fitness center, resident lounge, play room, party room, and an office center. The 250-seat theater would be tenanted and operated by the application's co-applicant the Pancyprian Association an Astoria based community based cultural group. The theater would be made available to other community based groups when not in use by the Pancyprian Association.
- The original proposal was for a total of 135 residential units including 41 affordable units with the Workforce Option (30% of residential floor area at an average 115% AMI). Following meetings with the CB 1 Land Use Committee the applicant revised the application to accommodate the request for more family sized units which lowered the total number of proposed residential units/affordable housing and required parking spaces.;
- The block to be rezoned is 800 feet deep between Ditmars Boulevard and 23<sup>rd</sup> Avenue between 45<sup>th</sup> & 46<sup>th</sup> Streets. The block from Ditmars Boulevard 525 feet south to 23<sup>rd</sup> Avenue is currently mapped with an R4 District. The remaining 275 feet from that point to 23<sup>rd</sup> Avenue is mapped with an M1-1 District. The dominant development on the block is the 85 feet tall Pistilli Building built in the 1900s as a factory and

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #190267 ZMQ**

**Page two**

warehouse, vacant for decades until converted and occupied as a mixed-use office and residential building in the mid-2000s. Other development on the block includes a commercial building on 23<sup>rd</sup> Avenue and some non-conforming low-rise homes on 46<sup>th</sup> Street and 23<sup>rd</sup> Avenue. There are also large industrial and commercial uses located on the blocks 45<sup>th</sup> and 46<sup>th</sup> Streets which face the block to be rezoned. The surrounding blocks are mostly developed with 1- to 3-story attached and semi-detached houses.

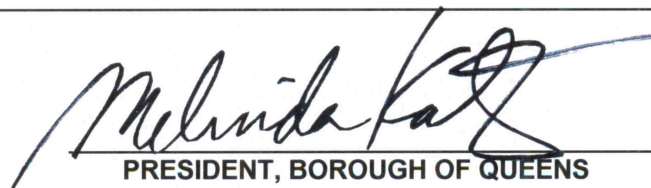
- Community Board 1 (CB1) approved a motion to disapprove this application with conditions by a vote of twenty-one (21) in favor with twelve (12) against and one (1) abstaining at a public hearing held on October 17, 2019. CB 1's motion was to disapprove the application unless the stipulated conditions were met: support for the proposed R4 District that would make the residential buildings on 23<sup>rd</sup> Avenue complying; replacement of the proposed R6A District with another zoning district that would restrict building heights to six-stories; instead of the MIH Workforce Option the affordable housing should be provided using MIH Option 1 with 30% of total residential square footage at an average of 60% AMI; the maximum number of units for the project is restricted to 88 residences with 40% one-bedroom units, 42% two-bedrooms and 18% three-bedrooms; the proposed rooftop open space should be accessible to the public; provision of more parking spaces and these spaces should be self park rather than valet; discounted parking for tenants and parking validation for theater users.;
- At the Borough President's public hearing there were seven (7) speakers in favor and nine (9) speakers against. There were also petitions delivered at the hearing for and against the project. The speakers against testified that the proposed 8-story project was too tall and dense and out of character with the surrounding low-rise, low density housing, the affordable units are not affordable to area residents, and that increased numbers of people living in the buildings would negatively impact the infrastructure of the neighborhood. The speakers in favor spoke about the need for affordable housing, that residential development is preferable to manufacturing development, the community theater would bring cultural activities into the neighborhood.;
- Subsequent to the hearing, the application was discussed with Council Member Constantinides who indicated his support of locating a 250 seat theater at this site in Astoria that will also benefit the entire borough;
- Subsequent to the Borough President's public hearing, the applicant has submitted two letters to the Borough President. The first letter reiterates the commitments that were made at the CB 1 public hearing. In a second letter, the applicant reaffirms those commitments and makes additional commitments that had not been presented before. The additional commitments are to provide additional improvements that will serve the surrounding community. The developer at their expense will sponsor beautification, cleanup and ongoing maintenance of a traffic triangle located between 23<sup>rd</sup> Avenue, Astoria Boulevard and 46<sup>th</sup> Street. A community room and the 2<sup>nd</sup> Floor terrace will be made accessible to local community groups for occasional meetings and/or events. Annually there will be free community events and/or art exhibitions within the community theater space. Create and provide a free Wi-Fi hot spot for public use at the building fronts. Make a sincere effort to have a CitiBike rack located in front of the building that will not impact street parking. Provide publically visible space on the ground floor for display of local art and murals. Provide rainwater harvesting for planting beds. Consider how to add a homeownership component for some of the housing units.

**RECOMMENDATION**

The applicant has demonstrated their willingness to consider concerns raised by the community. They have made changes to the project with input from meetings with the CB 1 Land Use Committee and in a subsequent letter attached and outlined in the consideration above responding to concerns raised at the public hearing at Borough Hall.

Based on the above consideration, I hereby recommend approval with the following conditions:

- The current manufacturing zoning would allow, as-of-right a variety of light industrial or commercial uses with no height limitation that would not be compatible with the character of the existing buildings surrounding it. The applicant's site is located within a mixed use area with low rise residential homes, the 85-foot Pistilli Building and other industrial buildings. CB 1 in their recommendation included a condition on height. The applicant should make every effort to address the Community Boards concern.
- CB 1 has expressed concerns that the proposed level of affordability is too high for the community around it. The applicant should strongly consider this condition.

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

12/2/19  
\_\_\_\_\_  
DATE