



**IN THE MATTER OF** an application submitted by Astoria Boulevard 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 R6B District to a C4-3 District property bounded by Astoria Boulevard (southerly portion), 36<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 35<sup>th</sup> Street, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 5, 2017, and subject to the conditions of CEQR Declaration E-446.

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This application for a zoning map amendment was filed by Astoria Boulevard South, LLC on March 2, 2017 in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the development of a new seven-story, mixed-use residential and commercial building with approximately 35 dwelling units of which 11 would be affordable pursuant to the Mandatory Inclusionary Housing (MIH) program in the Astoria neighborhood of Queens, Community District 1.

### **RELATED ACTION**

In addition to the proposed zoning map amendment (C 170299 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 170300 ZRQ**      Zoning text amendment to designate an MIH area.

### **BACKGROUND**

The application (C 170299 ZMQ) for a zoning map amendment, in conjunction with the related application (N 170300 ZRQ) for a zoning text amendment, would facilitate the development of a new seven story, mixed-use residential and commercial building on a privately-owned lot located at 35-10 Astoria Boulevard South (Block 633, Lot 35). This development site is part of a somewhat larger proposed rezoning area that includes all or portions of nine tax lots (Block 633,

Lots 34, 35, 40, 41, 42, 134, 240 and portions of 33 and 43) that comprise the block frontage located within 100 feet of Astoria Boulevard South between 35<sup>th</sup> and 36<sup>th</sup> Streets. This block front is located in an R6B zoning district.

The proposed rezoning area was zoned R6 in 1961 and was changed to R6B as part of the Department of City Planning's area-wide Astoria Rezoning (C 100199 ZMQ), adopted by the City Council in May 2010 to reflect the medium-density scale of residential buildings along this section of Astoria Boulevard South. The Astoria Rezoning also established a C4-3 district to the west of 35<sup>th</sup> Street on Astoria Boulevard South to reflect the mixed-use commercial character of those block fronts. The Astoria Boulevard South block front immediately west of the rezoning area is improved with the NYC Police Department's 114<sup>th</sup> Precinct. The property one block further west is improved with a fast food establishment.

Astoria Boulevard South serves as a service road for the Grand Central Parkway between 31<sup>st</sup> Street and 78<sup>th</sup> Street. The surrounding area is bisected by the Grand Central Parkway, which also separates Astoria Boulevard North and Astoria Boulevard South. On the north side of the Grand Central Parkway, the surrounding area is mapped with an R5B zoning district and is characterized by lower-density residential development with one- and two-story, single- and two-family homes. On the south side of the Grand Central Parkway, the surrounding area is mapped with a variety of commercial and residential districts and is characterized by a mix of uses and densities.

The proposed rezoning area is located four blocks east of 31<sup>st</sup> Street, which is a major commercial thoroughfare and transit corridor in Astoria. The elevated N and W transit lines run along 31<sup>st</sup> Street, providing access to Manhattan and Brooklyn. The area is also well-served by bus transportation; the Q19, Q101 and Q18 bus lines all have stops within a few blocks of the rezoning area.

A C4-3 zoning district is located immediately west of the proposed rezoning area along Astoria Boulevard South, and extends north and south along 31<sup>st</sup> Street. C2-3 commercial overlays, within an underlying R6B district, extend east of the proposed rezoning area along Astoria

Boulevard South, reflecting the mixed-use commercial and residential uses on these properties, with building heights ranging from three to seven stories. Further east, a C4-2A district is mapped along Steinway Street, one of the area's main shopping streets. A small section of R5B zoning exists southeast of the rezoning area on midblock properties developed predominantly with two-story, one- and two-family attached buildings fronting on 37<sup>th</sup> Street. Properties on the remaining mid-blocks south of the rezoning area, between 32<sup>nd</sup> and 38<sup>th</sup> Streets, are zoned R6B and characterized by three-, four- and five-story multiple dwellings.

The proposed rezoning area consists of seven tax lots (Block 633, Lots 34, 35, 40, 41, 42, 134, 240) and portions of two tax lots (Block 633, Lots 33 and 43). Lot 35, the development site, is an irregular 9,036-square-foot lot improved with a two-story, legally non-conforming 11,000-square-foot, two-story commercial building. The building is occupied by a dance studio and a martial arts studio. Lot 40, the abutting lot east of the development site, is developed with a six-story commercial and residential building. Lot 240 is developed with a two-story, single-family residence. Lots 41 and 134 are corner properties developed with two- and two-and-one-half-story, mixed-use, residential and commercial buildings. Lots 42 and 43 are located on 36<sup>th</sup> Street and are developed with three-story, three-family residential buildings. Lot 34 is located on 35<sup>th</sup> Street and is developed with a two-story residential building containing three units. Lot 33 is developed with a two-story, two-family residence.

The current R6B zoning district is a general residential district allowing residential and community facility uses at a maximum floor area ratio (FAR) of 2.0, a minimum base height of 30 feet, a maximum base height of 40 feet, and a maximum building height of 50 feet. Parking is required for 50 percent of the dwelling units. The parking requirements for community facility uses vary, depending on the specific use.

The C4-3 zoning district is the commercial equivalent of an R6 district. Typical uses in these districts include specialty and department stores, theaters, and other commercial and office uses that serve a larger area and generate more traffic than neighborhood shopping areas. C4-3 districts permit a maximum residential FAR that typically ranges between 0.78 and 2.43, or may be up to 3.0 on wide streets pursuant to Quality Housing regulations, and a maximum residential

FAR of 3.60 pursuant to the MIH program. Commercial uses are permitted at a maximum FAR of 3.4, and community facility uses are permitted at a maximum FAR of 4.8.

The maximum permitted building base height in R6 districts for projects providing MIH is 65 feet before a setback is required to achieve a maximum building height of 85 feet or eight stories, as long as a qualifying ground floor is provided. The required setback distance above a maximum base height is 10 feet for wide streets and 15 feet for narrow streets. The C4-3 zoning district requires parking spaces for 50 percent of all market rate dwelling units. Parking spaces are not required for the affordable housing units under Zoning for Quality and Affordability provisions, since the development site is located within a transit zone. Commercial parking requirements vary by use within the C4-3 district, with one parking space required for each 400 feet of retail, commercial office, or medical office floor area. Developments that require fewer than 25 accessory commercial parking spaces may waive this requirement. The parking requirements for community facility uses vary depending on the specific use.

The applicant is proposing to construct a new seven-story, mixed-use, residential and commercial building containing 35 residential units, of which 11 would be permanently affordable. The proposed building would be built pursuant to the Quality Housing regulations and would be developed at an FAR of 3.49. It would rise to a height of 75 feet and contain approximately 2,800 square feet of commercial floor area on the ground floor and approximately 28,700 square feet of residential floor area on the upper floors. The current building design shows a street wall that extends the full length of the development site's Astoria Boulevard frontage. Thirteen parking spaces would be provided in the building's cellar level and five additional spaces would be provided in the rear of the building at the ground level. Two curb cuts are proposed on Astoria Boulevard South, one providing access to the cellar level and the other providing access to the ground level parking spaces.

In conjunction with the proposed zoning map amendment, the applicant also requests a zoning text amendment (N 170300 ZRQ) to designate the rezoning area as an MIH area. Within this MIH area all housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either Option 1 or Option 2.

Option 1 requires that 25 percent of residential floor area must be reserved for housing units affordable to residents with household incomes averaging 60 percent of AMI. Within that 25 percent, at least 10 percent of the square footage must be used for units affordable for households at 40 percent of AMI, with no income band above 130 percent of AMI.

Option 2 requires that 30 percent of residential floor area must be devoted to housing units affordable to residents with household incomes at an average of 80 percent of AMI. No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of AMI.

The applicant proposes to use Option 2, which would provide 11 permanently affordable apartments.

## **ENVIRONMENTAL REVIEW**

This application (C 170299 ZMQ), in conjunction with the related application for a zoning text amendment (N 170300 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP021Q. The lead is the Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on September 5, 2017.

The Negative Declaration includes an (E) Designation (E-446) related to air quality and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to air quality and noise would apply to the following sites:

**Projected Development Sites:**

**Block 633, Lot 35 (Projected Development Site 1)**

**Block 633, Lot 41 (Projected Development Site 2)**

**Potential Development Site:**

**Block 633, Lots 34 and 134 (Potential Development Site 1)**

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

**Projected Development Sites:**

**Block 633, Lot 35 (Projected Development Site 1)**

Any new residential or commercial development on the above-referenced property must insure that the stack shall be located at the highest tier, or at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impact.

**Block 633, Lot 41 (Projected Development Site 2)**

Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, or at a minimum of 23 feet above grade, to avoid any potential significant adverse air quality impact.

**Potential Development Site:**

**Block 633, Lots 34 and 134 (Potential Development Site 1)**

Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for HVAC and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, or at a minimum of 43 feet above grade, and at least 25 feet from the lot line facing 36th Street and 240 feet from 36th Street to avoid any potential significant adverse air quality impact.

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

**Projected Development Sites:**

**Block 633, Lot 35 (Projected Development Site 1) and Block 633, Lot 41 (Projected Development Site 2)**

To ensure an acceptable interior noise environment, future residential or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

**Potential Development Site:**

**Block 633, Lots 34 and 134 (Potential Development Site 1)**

To ensure an acceptable interior noise environment, future residential or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

With the implementation of the above (E) designation (E-446), no significant adverse impacts related to air quality and noise would occur.

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

**UNIFORM LAND USE REVIEW**

This application (C 170299 ZMQ) was certified as complete by the Department of City Planning on September 5, 2017, and was 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 170300 ZRQ), which

was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Queens Community Board 1 held a public hearing on this application (C 170299 ZMQ) on October 4, 2017, and on that day, by a vote of 27 in favor, three opposed, with with no abstentions, adopted a resolution recommending approval of the applications with the condition that the applicant “increase the number of two-bedroom apartments and the size of the affordable housing units to accommodate families.”

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 170299 ZMQ) on November 9, 2017 and issued a recommendation approving the application on December 12, 2017, with the condition that “the applicant should make every attempt to include more affordable two-bedroom apartments to accommodate larger families.”

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

On December 13, 2017 (Calendar No. 1), the Commission scheduled January 3, 2018 for a public hearing on this application (C 170299 ZMQ), in conjunction with the related application for a zoning text amendment (N 170300 ZRQ). The hearing was duly held on January 3, 2018 (Calendar No. 17). One speaker testified in favor of the application.

The applicant’s representative described the proposed actions and the proposed development, stating that the project originally presented to the Community Board included a total of 35 dwelling units consisting of 30 one-bedroom units and five two-bedroom units. Subsequently, the plan was revised to consist of 29 one-bedroom units and six two-bedroom units. The applicant further explained that the proposal currently includes 11 permanently affordable units pursuant to the MIH program, of which nine would be one-bedroom units and two would be two-bedroom units, thus satisfying the proportionality requirement of the program.



Regarding requests by the Community Board and Borough President to add more affordable two-bedroom units to accommodate larger families, the applicant's representative stated that the site's configuration, combined with the minimum unit size, light and air requirements, and minimum bedroom dimensions, made it extremely difficult to provide additional two-bedroom units without reducing the overall unit count. He further stated that a reduction in total units would result in a reduction of the number of affordable units.

In response to concerns raised by the Community Board and Borough President regarding affordability levels, the applicant's representative stated that the applicant chose to map or use MIH Option 2 for this proposal after consulting with the local City Council member. He stated that the median family income for the Astoria and Steinway Neighborhood Tabulation Area is similar to the 80% of AMI income limits for one- and two- bedroom units, and that the applicant believed Option 2 would be appropriate for this location. Option 2 would require that 30% of the residential floor area be provided as housing affordable to households at an average of 80% of the AMI.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 170299 ZMQ), in conjunction with the related application for a zoning text amendment (N 170300 ZRQ), is appropriate.

The proposed zoning change from an R6B district to a C4-3 district will facilitate a new, seven-story, mixed-use, development at a medium density of nearly 3.5 FAR along a wide street, such as Astoria Boulevard South. The development site is located only four blocks from the Astoria Boulevard station for the N and W elevated transit lines.

The proposed rezoning area is adjacent to an existing C4-3 zoning district, and the proposed zoning change would simply extend the adjacent C4-3 district to the subject properties within the

proposed rezoning area. The Commission believes the proposed C4-3 district will produce a building that is consistent with the nearby contexts and recent development trends. In addition to facilitating new development, the proposed rezoning will bring existing commercial uses into conformance and reinforce ground floor retail uses along Astoria Boulevard South.

The proposed zoning text amendment (N 170300 ZRQ) is appropriate. It will designate an MIH area mapped with Options 1 and 2 within the proposed C4-3 zoning district and ensure that any alternative residential development would be subject to MIH requirements.

The Commission acknowledges the recommendations from the Queens Borough President and Community Board 1 that the applicant include more affordable two-bedroom units, but notes that this matter is outside the purview of the requested actions.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on September 5, 2017 with respect to this application (CEQR No. 17DCP175Q) 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 (C 170299 ZMQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing from an R6B District to a C4-3 District property bounded by Astoria Boulevard (southerly portion), 36<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 35<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated September 5, 2017, and subject to the conditions of CEQR Declaration E-446.

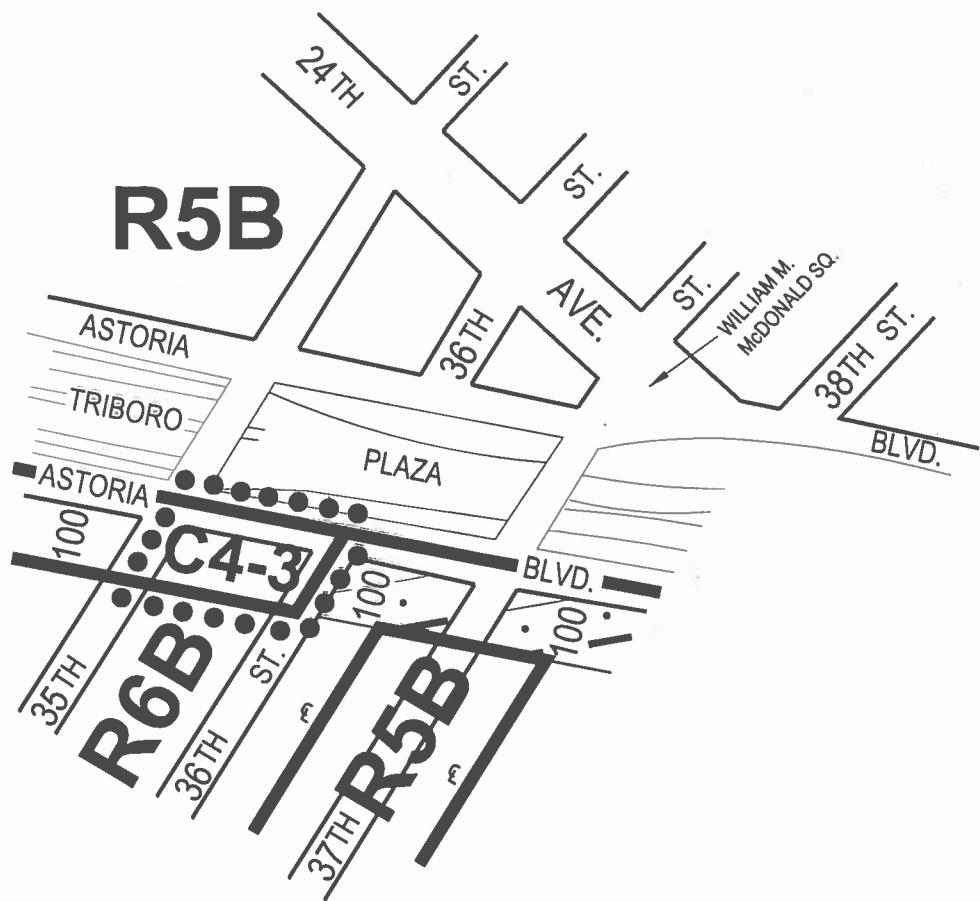
The above resolution (C 170299 ZMQ), duly adopted by the City Planning Commission on February 12, 2018 (Calendar No. 1), is filed with the Office of the Speaker, the City Council, and

the Queens 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*

**RAYANN BESSER, ALFRED C. CERULLO, III, JOSEPH I. DOUEK,  
RICHARD W. EADDY, CHERYL COHEN EFFRON, ANNA HAYES LEVIN,  
ORLANDO MARÍN**, *Commissioners*






CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**9a**  
BOROUGH OF  
**QUEENS**

  
S. Lenard, Director  
Technical Review Division

New York, Certification Date  
SEPTEMBER 05, 2017



- NOTE:
-  Indicates Zoning District Boundary.
  -  The area enclosed by the dotted line is proposed to be rezoned by changing an existing R6B District to a C4-3 District.
  -  Indicates a C2-3 District.



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

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*Youth Services*  
Irene Batista

October 26, 2017

Honorable Marisa Lago  
Chair  
City Planning Commission  
120 William Street, 31st Floor  
New York, New York 10271

RE: C 170299 ZMQ: Zoning Map amendment to rezone a R6B zoning district to a C4-3 zoning district to facilitate a mixed-use building at 35-10 Astoria Boulevard South.  
C 170300 ZRQ: Zoning text amendment to Appendix F to designate a Mandatory Inclusionary Housing Area

Dear Chair Lago,

Community Board 1, Queens (CB1Q), after a duly advertised public hearing during its full board meeting on October 4, 2017, voted 27 in favor, 3 opposed and 0 abstaining to approve the proposed Zoning Map amendment (C170299 ZMQ) and Zoning text amendment to Appendix F (C170300 ZRQ) with a recommendation to increase the number of two-bedroom apartments and the size of the affordable housing units to accommodate families.

### Background

The rezoning action would extend an existing C4-3 zoning district and encompass the proposed project site located at 35-10 Astoria Boulevard South and facilitate the development of a mixed-use residential and commercial building. The seven-story (75') building would have 38,700 SF residential space for 35 rental dwelling units (3.18 FAR) and 2,800 SF of ground floor commercial space (.31 FAR), totaling 31,500 SF (3.49 FAR).

Melinda Katz  
*Borough President, Queens*  
Vicky Morales  
*Director, Community Boards*  
Marie Torniali  
*Chairperson*  
Florence Koulouris  
*District Manager*

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Andre Stith  
Rod Townsend



Roof top passive recreation is proposed and cellar and rear yard parking would be provided for 13 cars, accessed along Astoria Boulevard South.

Eleven (30% of residential floor area) of the 35 dwelling units would be permanently affordable under the Mandatory Inclusionary Housing program. The applicant intends to use Option 2 of the MIH program that allows rentals at an average of 80% of Average Median Income that is currently \$68,720 for a family of three.

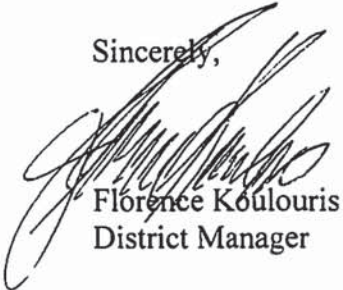
Community Board and Land Use Committee Comments

There were some concerns raised about the development during its review and at the public hearing including:

- The number of affordable units is low and their level of affordability does not reflect the AMI of the local community that is approximately \$54,882 (ACS profile 2010-2014);
- The number of two-bedroom apartments for families is minimal, especially with affordable rents where they are most needed. Only six of the 35 units have two bedrooms and only one of those is an MIH unit;
- New development in the area will lead to increases in area rents, causing current residents to move.

Notwithstanding the affordability issues, it was noted there would be 11 new permanently affordable units in the community. Two other as-of-right developments are under construction and will be market rate rentals. The location of the seven-story, 75-foot building on the north side of a very wide street (the Grand Central Parkway right of way is 250') does not raise serious contextual issues since the building will not cast shadows on the adjacent residential community to the south. The building is proposed to have setbacks on the south side facing the residential community and it could also act as a sound barrier from parkway noise.

Sincerely,



Florence Koulouris  
District Manager

cc: Honorable Carolyn Maloney  
Honorable Michael Gianaris  
Honorable Jose Peralta  
Honorable Aravella Simotas  
Honorable Brian Barnwell  
Honorable Catherine Nolan  
Honorable Costa Constantinides  
Honorable Jimmy Van Bramer  
Mr. Irving Poy, Borough President's Office  
Mr. John Young, DCP  
Mr. Steven Sinacori, Akerman

# Queens Borough President Recommendation

APPLICATION: ULURP #170299 ZMQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by Astoria Boulevard L.L.C. pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map Section No. 9a, by changing from an R6B District to a C4-3 District property bounded by Astoria Boulevard (southerly portion), 36<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 35<sup>th</sup> Street, Borough of Queens, community district 1, as shown on a diagram (for illustrative purposes only) dated September 5, 2017, and subject to the conditions of CEQR Declaration E-446. (Related applications ULURP Nos. N170300 ZRQ and N180061 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on November 9, 2017 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. 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 proposes to rezone the southern blockfront of Astoria Boulevard South between 35<sup>th</sup> and 36<sup>th</sup> Streets from R6B to C4-3. The proposed C4-3 district has a 3.6 FAR residential, 3.4 FAR commercial, 4.8 FAR community facility and a 115 feet maximum building height. The existing R6B district allows 2.0 FAR residential and a 55 feet maximum building height;
- o The applicant is proposing to demolish an existing building to construct a 7-story mixed residential/commercial building on the site. The proposed 31,500 sf (3.49 FAR) building would include 35 apartments of which 11 units would be affordable, 3800 sf of commercial space and 32 residential parking spaces. The applicant has indicated that the dance studio which currently operates in the existing building will be invited back upon completion of the new building;
- o The applicant's site is a 9036 sf irregular lot currently developed with a 2-story 11,000 sf building. The building's occupants include a dance studio and martial arts studio. There is an existing C4-3 district directly to the west of the rezoning area and the areas east of the site are mapped with a C2-1 commercial overlay. The areas to the south of the rezoning area are generally mapped with R6B and R5B districts and are developed with a variety of low to medium density housing. Other area uses include the 114<sup>th</sup> NYPD Precinct, fast food stores and restaurants.;
- o Community Board 1 (CB 1) approved this application with a condition at a public hearing held on October 17, 2017 by a vote of twenty-seven (27) in favor with three (3) against and none (0) abstaining. CB1's condition of approval was that there should be more than 1 affordable two-bedroom units provided in the new building.

## RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application. The applicant should make every attempt to include more affordable two-bedroom apartments to accommodate larger families.

  
PRESIDENT, BOROUGH OF QUEENS

12/12/17  
DATE