



IN THE MATTER OF an application submitted by Empire MG Properties, LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-1 District to an R6A District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and 37th Street; and;
2. establishing within the proposed R6A District a C1-3 District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and a line midway between 37th Street and 38th Street;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration E-533.

The applicant, Empire MG Properties, LLC, filed this application for a zoning map amendment on October 4, 2017, in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the construction of a seven-story mixed-use building located on the west side of 38th Street in Astoria, Queens Community District 1.

RELATED ACTION

In addition to the proposed zoning map amendment (C 180036 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 180037 ZRQ	Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.
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BACKGROUND

The applicant seeks a zoning map amendment (C 180036 ZMQ) and zoning text amendment (N 180037 ZRQ) to redevelop a 15,603 square-foot site located on the west side of 38th Street between 34th and 35th avenues in the southeast section of Astoria. The rezoning area is one block east of the Kaufman Astoria Studios and the Museum of the Moving Image and one block west of Steinway Street, a major area shopping street. The applicant proposes to rezone the northern half of a block bounded by 38th Street, 35th Avenue, 37th Street and 34th Avenue (Block 645) from an M1-1 District to R6A and R6A/C2-3 districts. The proposed actions would facilitate the development of a seven-story mixed residential and commercial building with 62 apartments, including 19 permanently affordable units. The existing M1-1 District allows commercial and light industrial uses, but it does not permit residential development.

The rezoning area includes 27 lots on the northern portion of Block 645 with frontages on both 37th and 38th streets (Lots 15, 17, 19, 20, 22, 23, 24, 25, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 47, 126, 127 and 131). The development site or “Project Area” comprises five lots on the west side of 38th Street (Lots 36, 37, 38, 40 and 42) currently containing two single-story warehouses and three two-story residences. Existing uses within the remainder of the rezoning area are primarily non-conforming residential buildings ranging from two to five stories; another one-story warehouse is located on 37th Street. The rezoning area is well-served by public transportation with the Steinway M/R subway station located one block east of the rezoning area. The Broadway M/R station is also a half-mile northwest of the rezoning area. Three bus routes service the area: Q101, Q104 and Q66.

The M1-1 District permits a range of commercial and light manufacturing/industrial uses (Use Groups 4-14, 16-17) up to a maximum floor area ratio (FAR) of 1.0. Community facilities are allowed up to 2.4 FAR. The maximum base height of a building in an M1-1 district is 30 feet, with the sky-exposure plane governing maximum building height.

The rezoning area has remained zoned M1-1 since 1961 despite its numerous pre-existing residences. On April 28, 1998, the City Council adopted the City Planning Commission's Steinway Street rezoning (C 980193 ZMQ) that changed the zoning from M1-1 to C4-2A (R6A equivalent) on the Steinway block fronts between 34th Avenue and Northern Boulevard just east of the rezoning area. A privately-sponsored rezoning (C 010122 ZMQ) was adopted by the City Council on December 19, 2001, to change the zoning on the southern end of Block 645 from M1-1 to M1-5 (maximum 5.0 FAR) to support the expansion of three- and four-story non-residential buildings located there, including the Astoria Sports Complex, a private sports club with an array of recreational facilities including an Olympic-sized swimming pool. The expansion projects did not subsequently proceed. On January 9, 2008, a private rezoning adopted by the City Council (C 050491 ZMQ) rezoned the west frontage along 35th Street between 34th and 35th avenues from M1-1 to C4-2A to support the development of a seven-story mixed residential and commercial building with 64 market-rate apartments on a 15,000-square-foot parcel. This building was completed in 2016.

The surrounding area within 600 feet of the rezoning area includes a wide variety of land uses including low to medium-density residential uses north and east of the Project Area and low-rise commercial and warehouse buildings generally to the south and west of it. A prominent use

anchoring the surrounding area is the nearly two-block Kaufman Astoria Studio complex bounded by 34th and 35th avenues and 35th and 37th streets. This film and television production facility, in conjunction with the adjacent Museum of the Moving Image, have contributed to revitalizing the area into a cultural and arts district. The block south of the rezoning area is fully developed with a large cinema complex owned by Kaufman Astoria Studios. As previously-mentioned, Steinway Street, located one block east of the rezoning area, is a major commercial corridor, and it is developed with a mix of one- and two-story commercial buildings containing shops, restaurants, entertainment uses and offices, as well as several mixed-use developments up to seven stories tall.

The applicant is proposing to establish an R6A District with a C1-3 commercial overlay along the northern portion of Block 645 facing 38th Street that contains the project site and establish an R6A District on the portion facing 37th Street. The low-scale existing one- and two-story warehouses and residential uses on the applicant's property would be replaced with a seven-story mixed residential and commercial building. It would contain 2,645 square feet of ground floor retail space and 56,139 square feet of residential space, with approximately 62 residential units, including 19 permanently affordable units. A total of 80 accessory parking spaces would be provided in the cellar for the residential units and commercial space. Access to the parking level would be provided by a curb cut on 38th Street and an interior ramp. An outdoor recreation area for the residential tenants of the building would be provided on the roof of the seven-story building and include a landscaped sitting area and a swimming pool.

Under the MIH program, the proposed R6A District allows residential uses at a maximum FAR of 3.6. R6A districts allow for building base heights ranging from 40 to 65 feet and a maximum

building height of 85 feet with a qualifying ground floor (up to eight stories). Excluding the project site, the proposed zoning map amendment would bring into conformance 21 out of 22 existing buildings within the rezoning area.

All portions of the rezoning area would be designated as an MIH area, in conjunction with a related zoning text amendment (N 180037 ZRQ). The applicant seeks to provide approximately 19 permanently affordable housing units pursuant to MIH Option 2. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the area median income (AMI).

After the community board public hearing on May 23, 2019, the applicant revised its proposal in response to recommendations made by the community to provide more three-bedroom units in the new development to provide more housing for families. Subsequently, the applicant reduced the total number of residential units from 62, as originally filed, to 57, so to include five three-bedroom apartments. As there are fewer total units, the anticipated total number of affordable dwelling units would change from the original 19 out of 62 units to 18 out of 57 units.

ENVIRONMENTAL REVIEW

This application (C 180036 ZMQ), in conjunction with the related application for a zoning text amendment (N 180037 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 designated CEQR number is 08DCP045Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed actions, a Negative Declaration was issued on April 22, 2019. This Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-533). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 180036 ZMQ) was certified as complete by the Department of City Planning on April 22, 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 (N 180037 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 180036 ZMQ) on May 23, 2019, and on that date, by a vote of 21 in favor, 4 opposed, and 1 abstention, voted to recommend approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 180036 ZMQ) on June 13, 2019, and on July 19, 2019, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 8), the City Planning Commission scheduled August 14, 2019, for a public hearing on this application (C 180036 ZMQ) and the related application for a zoning text amendment (N 180037 ZRQ). The hearing was duly held on August 14, 2019 (Calendar No. 59). There was one speaker in favor of the application and none in opposition.

The applicant's representative described the project and the requested action, including a rationale for the proposed R6A zoning and proposed C1-3 commercial overlay, stating that the existing M1-1 District already permits local commercial and retail use, evidenced by restaurants on the southern end of Block 645 and that the rezoning area is located one block away from Steinway Street, a local shopping hub. He stated that the proposed rezoning would facilitate the development of 2,645 square feet of ground floor retail space that would serve residents in the proposed new residential building and would be consistent with the mixed-use nature of the surrounding area.

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

CONSIDERATION

The City Planning Commission believes that this application (C 180036 ZMQ) for a zoning map amendment, in conjunction with the related application for a zoning text amendment (N 180037 ZRQ), is appropriate.

The requested actions will facilitate the development of a new seven-story mixed residential and commercial building with local retail and service establishment uses on the ground floor. The applicant's revised proposal will provide a total of 57 apartments, including five three-bedroom units, and a total of 18 permanently affordable dwellings. The proposed development will enliven a block front that already contains a well-used recreational facility and has a variety of restaurants at its northern and southern ends. The Steinway Street station of the M and R subway lines is one block away from the development site.

The R6A rezoning will more closely reflect the land use characteristics found on the northern portion of Block 645. It is already developed with a variety of existing non-conforming residential uses in buildings ranging between two and five stories. The rezoning will make 21 out of 22 of the existing buildings conforming uses.

The proposed C1-3 commercial overlay along the 38th Street frontage at the northern end of Block 645 will adjoin an existing M1-5 District on the remaining frontage of 38th Street that already allows commercial uses. The Commission believes that mapping a C1-3 overlay will be consistent with the existing land use pattern of the surrounding area and will service the new residential uses on this portion of 38th Street.

The proposed zoning text amendment (N 180037 ZRQ) will designate an MIH area coterminous with the rezoning area that will require any new residential development to provide permanent affordability for 30 percent of residential floor area to residents with household incomes at an average of 80 percent of the AMI pursuant to Option 2 in ZR Section 23-154. Designation of this MIH area is consistent with City objectives of promoting affordable housing.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on April 22, 2019 with respect to this application (CEQR No. 08DCP045Q), 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, 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. 9b, by changing from an M1-1 District to an R6A District property bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and 37th Street; and establishing within the proposed R6A District a C1-3 District bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and a line midway between 37th Street and 38th Street, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of the CEQR Declaration E-533.

The above resolution (C 180036 ZMQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 8), is filed with the Office of the Speaker, 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*

DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

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LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*