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**IN THE MATTER OF** an application submitted by MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9a:

1. changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and a line 80 feet southeasterly of 31<sup>st</sup> Street;
2. changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and 31<sup>st</sup> Street;
3. changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31<sup>st</sup> Street; and
4. changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 80 feet southeasterly of 31<sup>st</sup> Street, Astoria Boulevard North, and 31<sup>st</sup> Street.

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623.

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This application for a zoning map amendment was filed on December 2, 2020 by MDM Development Group, LLC, 2441 Astoria Associates LLC, and 31 Neptune LLC, in conjunction with an application for a zoning text amendment. The proposed actions would facilitate the construction of three new mixed-use buildings with residential, commercial, and community facility uses on properties fronting on the 31st Street corridor in the Astoria neighborhood of Queens Community District 1.

### **RELATED ACTION**

In addition to the zoning map amendment (C 210200 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 210201 ZRQ**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

## **BACKGROUND**

The applicants request a zoning map amendment and a zoning text amendment to facilitate the redevelopment of three properties that would contain residential, commercial, and community facility uses in the Astoria neighborhood of Queens, Community District 1. Three proposed buildings would range in height from 11 to 12 stories and encompass a total of approximately 327,035 square feet of floor area, including approximately 32,281 square feet of commercial floor area, 24,872 square feet of community facility floor area, and 269,798 square feet of residential floor area. In total, the developments would comprise approximately 275 new dwelling units, of which 69 would be made permanently affordable pursuant to MIH Option 1.

The project area is located on the eastern side of 31st Street and includes all or portions of blockfronts between Astoria Boulevard to the south and 23<sup>rd</sup> Road to the north. It includes Block 835, Lots 1, 2, 3, 4, 7 and 8; Block 837, Lots 9, 13, 15, 16, 17, 27, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 and parts of Lots 49, 1001-1034 (former Lot 50), 54, 55, and 58. The majority of the project area, including all lots with frontage on 31<sup>st</sup> Street, is located within a C4-3 zoning district, while Block 837, Lots 13, 15, 16, 17, and a portion of Lot 27 are within an adjacent R5B zoning district to the east. Astoria Boulevard is a 105-foot-wide service road to the Grand Central Parkway that widens to 280-feet west of 31st Street as it approaches the access ramp to the Robert F. Kennedy Bridge. 31st Street is a 100-foot-wide major north-south corridor through Astoria and contains the elevated structure of the N and W subway tracks.

The surrounding area consists of a mix of residential, commercial, community facility, and park uses. Areas north-west and north-east of the project area are characterized by two-to-three story attached and semi-attached multifamily buildings and several four-story multi-family walk-up buildings in R5B and R5D zoning districts. A C1-3 commercial overlay is mapped north-west of 31st Street along 24th Avenue and comprises ground-floor local retail uses. The C4-3 zoning district within which the project area is located extends south along 31<sup>st</sup> Street and comprises local retail uses, one-to-two family homes, three-to-four story walk-up residences, and several

six-to-seven story mixed-use buildings. A small area west of the C4-3 zoning district is mapped in an R6 zoning district and contains three-to-four story multi-family walk-up buildings, a 15-story senior housing building, and several seven-to-eleven story residential buildings. South-west of the project area, properties fronting on Astoria Boulevard are mapped with an R6A zoning district with C1-3 and C2-3 commercial overlays. In addition to two-story mixed-use buildings, there are several six-to-seven story mixed-use buildings in this area. R6B zoning districts are mapped south-east and south-west of the project area and comprise developments with three-to-four story residential buildings.

Community facility uses in the area include P.S. 85, which is located north of 24<sup>th</sup> Avenue on 31<sup>st</sup> Street, directly west of the project area, serves students in pre-kindergarten to fifth grades. The New York City Police Department Precinct 114 is located south-east of the project area. Open space in the area includes Hoyt Playground, directly west of the project area, and Columbus Square, a triangular park located south of the project area. Astoria Park is a regional park located approximately one half-mile west of the project area and includes a running track, tennis courts, a skate park, dog run and more. All three are owned and operated by the Department of Parks and Recreation.

The project area is in the Transit Zone and is well-served by public transit. Subway stations for the N and W lines include the Astoria Boulevard station, with access points directly adjacent to the project area at the northern intersection of 31<sup>st</sup> Street and Astoria Boulevard as well as south of the intersection, and the Ditmars Boulevard station at Ditmars Boulevard and 31<sup>st</sup> Street, approximately one-half mile north of the project area. There are several bus lines that serve the area, including the M60 Select Bus Service (Morningside Heights to LaGuardia Airport), the Q19 (Flushing to Astoria), and the Q69 (Long Island City to Jackson Heights) bus lines.

The project area was mapped with an R5 zoning district in 1961. The Astoria Rezoning (C 100199 ZMQ), adopted by the City Council on May 25, 2010, rezoned approximately 238 blocks, including the project area, which was rezoned to the current C4-3 and R5B zoning districts. The rezoning sought to protect the neighborhood character from out-of-scale development, more closely reflect established development patterns, direct opportunities for

moderate residential and commercial growth to locations along wide streets and transit resources, and to provide incentives for the production of affordable housing by establishing the voluntary Inclusionary Housing program in new R7A and C4-4A zoning districts. The C4-3 zoning district, mapped along portions of the 31st Street corridor, is a general commercial district that allows residential, community facility, and commercial uses. It has an R6 residential equivalent and allows a maximum residential floor area ratio (FAR) of 3.0 for Quality Housing buildings located on a wide street or 2.43 FAR using height factor regulations. Community facility uses have a maximum FAR of 3.0, and commercial uses have a maximum FAR of 3.4. Maximum building height is 75 feet for Quality Housing Buildings, while height is governed by a sky exposure plane above 60 feet in height factor buildings. Off-street accessory parking is required for 50 percent of dwelling units and required commercial accessory parking varies by use but generally requires one space per 400 square feet of commercial floor area. The R5B zoning district is a medium-density contextual residential district that allows for residential and community facility uses. Community facility uses have a maximum FAR of 2.0, residential uses have a maximum FAR of 1.35, and maximum building height is 33 feet. Off-street accessory parking is required for 66 percent of dwelling units.

Three sites within the project area are proposed development sites. Development Site 1 consists of Block 837, Lots 9, 16 and 17, and is located on the north-east corner 31st Street and Astoria Boulevard. It has approximately 157 feet of frontage on Astoria Boulevard, approximately 100 feet of frontage on 31st Street, and approximately 90 feet of frontage on 24th Road. The portion of development site 1 that is located within 90 feet of 31st Street is mapped with a C4-3 zoning district and the remaining portion is mapped with an R5B zoning district. Current uses on development site 1 include a 3,280 square-foot single-story diner with an accessory surface parking lot with one curb cut on 31st Street on Lot 9 and an accessory parking lot for the diner on Lots 16 and 17.

Development Site 2 consists of Block 837, Lot 27, located on the north-east corner of 24th Road and 31st Street. It is an approximately 29,638 square-foot, L-shaped corner, interior and through lot with approximately 90 feet of frontage on 24th Road and approximately 275 feet of frontage on 31st Street. The portion of development site 2 that is located within 90 feet of 31st Street is

mapped with a C4-3 zoning district and the remaining portion is mapped with an R5B zoning district. Development site 2 is improved with a single-story, 26,280 square-foot commercial building occupied by an office supply store and its accessory surface parking lot with one curb cut on 31 Street.

Development Site 3 consists of Block 835, Lots 3, 4, 7 and 8, and is located mid-block on 31st Street between 24th Avenue to the south and 23rd Road to the north. It has approximately 150 feet of frontage on 31st Street and is an approximately 13,503 interior lot. It is mapped with a C4-3 zoning district and is currently vacant.

The remainder of the project area north of development site 2 (Block 837, Lots 38, 39, 41, 42, 43, 44, 45, 46, and 47) are developed with two-to-three story residences. Lot 48, which fronts the intersection of 31<sup>st</sup> Street and 24<sup>th</sup> Avenue, is developed with a three-story building containing a local deli on the ground floor with residences above. North of 24<sup>th</sup> Avenue on Block 835, Lot 1 contains a two-story building with vacant ground floor commercial space and residences above. Lot 2 is developed with a three-story residential building. These properties are not owned by the applicants.

### **Proposed Project**

The applicants propose a new 11-story mixed-use building on Development Site 1 with a total of approximately 60,242 square feet of floor area at 5.98 FAR. The development would contain approximately 10,784 square feet of commercial floor area at 1.07 FAR and approximately 3,064 square feet of community facility use at 0.30 FAR, intended for a daycare on the first and second floors. There would be approximately 46,394 square feet of residential floor area on floors three-to-eleven with 51 dwelling units at 4.61 FAR, of which 13 units would be permanently affordable pursuant to MIH Option 1. A new 12-foot curb cut on 24th Road would provide access to six parking spaces in the cellar. The building would rise to a base height of eight stories at 87 feet with 10-foot setbacks fronting 31st Street and Astoria Boulevard and 15-foot setbacks fronting 24th Road before rising to a maximum building height of 117 feet at 11 stories. The height at the rear of the building would be reduced to six stories along Astoria Boulevard and further reduced to two stories along the 24th Road frontage. The south-east portion of the site

would be landscaped with raised plantings.

Development Site 2 would consist of a 12-story mixed-use building with a total of approximately 180,122 square feet of floor area totaling 6.07 FAR. The portion of Block 837, Lot 27 with frontage on 32<sup>nd</sup> Street is outside of the project area and would remain in the current R5B zoning district. The proposed development would contain approximately 14,454 square feet of commercial floor area at 0.49 FAR and approximately 3,962 square feet of community facility use at 0.13 FAR, intended for a senior center on the ground floor. There would be approximately 161,706 square feet of residential use at 5.45 FAR on floors two-to-fourteen with approximately 161 dwelling units, of which 40 would be made permanently affordable pursuant to MIH. Fifty-two parking spaces would be provided in the cellar and nine enclosed spaces on the ground floor in the rear of the building, accessed by a new 22-foot-wide curb cut on 31st Street. The building would rise to a base height of 75 feet at seven stories, with 10-foot setbacks fronting 31st Street and 15-foot setbacks fronting 24th Road, before rising to a maximum building height of 125 feet at 12 stories. The height at the rear of the development would be reduced to six stories within 50 feet of 24th Road, and further reduced to one story along the remainder of the proposed project area, as well as the portion of the development outside of the project area.

Development Site 3 would contain an 11-story building with a total of approximately 86,671 square feet of floor area totaling 6.41 FAR. It would consist of approximately 7,043 square feet of commercial use at 0.52 FAR on the ground floor, 17,846 square feet of community facility floor area at 1.32 FAR, intended for a youth center on the first through third floors, and 61,698 square feet of residential floor area at 4.57 FAR on floors four through 11, comprising 63 dwelling units, of which 16 would be made permanently affordable pursuant to MIH Option 1. Approximately 8,086 square feet of community facility use would also be located in the cellar. There would be 18 enclosed parking spaces on the second floor to be accessed by a new 20-foot-wide curb cut on 31st Street. The building would rise to a base height of 74 feet at seven stories, with a 10-foot setback fronting 31st Street, before rising to a maximum height of 118 feet at 11 stories.

To facilitate these developments, the applicants propose a zoning map amendment from the existing C4-3 and R5B zoning districts to C4-5X and C4-4 zoning districts. The proposed C4-5X zoning district would be bounded by a line 200 feet north of and parallel to 24th Road to the north, Astoria Boulevard to the south, 31st Street to the west, 32nd street and a line from and parallel to 31st Street to the east. It would be mapped across the entirety of development site 1 and the portion of development site 2 that is 200 feet north of and parallel to 24<sup>th</sup> Road. The proposed C4-4 zoning district would be bounded by a line 200 feet north of and parallel to 24th Avenue to the north, a line 200 feet north of and parallel to 24th Road to the south, 31st Street to the west, and a line 90 feet from an parallel to 31st Street to the east, and would be mapped across the remaining portion of development site 2 and the entirety of development site 3. The C4-5X zoning district is a medium-density contextual district with an R7X residential district equivalent that allows residential, community facility and commercial uses. The maximum allowable FAR for residential use is 6.0 when MIH is applied, 4.0 for commercial use, and 5.0 for community facility use. The maximum building height is 145 feet above a base height of 60 to 105 feet. The off-street parking requirement for residential uses is 50 percent of non-income-restricted dwelling units, and none are required for MIH units within the Transit Zone. One parking space per 1,000 square feet of floor area is required for most commercial uses. The proposed C4-4 zoning district has an R7-2 residential district equivalent and allows for residential, community facility, and commercial uses. The maximum permitted FAR for residential use is 4.6 when MIH is applied, 3.4 for commercial use, and 6.5 for community facility use. For certain Quality Housing buildings within 150 feet of an elevated rail line, C4-4 zoning districts permit a maximum base height of 75 feet and a maximum building height of 135 feet. Building height is limited to 55 feet within 25 feet of the zoning district boundary of an R5 zoning district. The off-street parking requirement for residential use is 50 percent of non-income-restricted units and none are required for MIH units within the Transit Zone. One parking space per 1,000 square feet of floor area is required for most commercial uses.

The applicant also proposes a zoning text amendment to designate the project area as an MIH area mapped with Option 1. Option 1 requires that at least 25 percent of residential floor area be reserved for housing units affordable to residents with household incomes averaging 60 percent of the Area Median Income (AMI), including a 10 percent band at 40 percent of AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 210200 ZMQ), in conjunction with the related application for a zoning text amendment (N 210201 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 is the City Planning Commission. The designated CEQR number is 21DCP117Q.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Negative Declaration was issued on June 21, 2021.

The Negative Declaration includes an (E) designation (E-623) related to hazardous materials, air quality, and noise 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 210200 ZMQ) was certified as complete by the Department of City Planning on June 21, 2021 and was duly referred to 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 application for a zoning text amendment (N 210201 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 210200 ZMQ) on September 21, 2021 and on that day, by a vote of 4 in favor, 25 opposed, and 4 abstaining, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application (C 210200 ZMQ) was considered by the Queens Borough President, who held a public hearing on September 23, 2021, and on November 1, 2021, issued a recommendation to



approve the application with the following conditions:

- “There should be a goal of 30% or local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% goal has been reached;
- A Community Advisory Board (CAB) should be formed and meet on an ongoing regular basis providing a forum between the developers and community members, where residents can provide feedback and developers can share project information or provide answers and updates to issues that may arise before and during construction;
- Community Board 1, the CAB and neighboring residents should be advanced given notice of any upcoming construction related to traffic closures for work or equipment deliveries along 31<sup>st</sup> Street and any other streets adjacent to the development;
- A 24/7 number and contact information should be established and prominently displayed onsite to allow community members to call, particularly during the evening off-hours, regarding site or construction related issues that may arise;
- There should be pre-construction baseline surveys performed on homes adjacent to the proposed development’s property line. This data would be useful in assessing construction related damage complaints. Any damage attributed to construction should be repaired or remedied by the applicants;
- The applicant should explore the feasibility of further lowering the heights of the proposed buildings to address concerns raised by Community Board 1 and area residents.”

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

On October 20, 2021 (Calendar No. 5), the City Planning Commission scheduled November 3, 2021, for a public hearing on this application (C 210200 ZMQ) and the related application for a zoning text amendment (N 210201 ZRQ). The hearing was duly held on November 3, 2021 (Calendar No. 24). Seven speakers testified in favor of the application and four in opposition.

The applicant’s representative, who testified in favor of the application, provided an overview of the application, stating that the proposed rezoning is appropriately situated among wide streets and transit resources. The applicant’s representative also noted that the 2010 Astoria Rezoning

did not make the Voluntary Inclusionary Housing Area available in this area, and that the proposed rezoning would provide much-needed affordable units for lower income households by mapping MIH Option 1, which would offer affordable units at 40%, 60%, and 80% AMI. The applicant's architect, who testified in favor, stated that in response to Community Board 1's concerns around the proposed building heights and the need for larger unit sizes, the applicant has reduced the height of development site 2 from the initially proposed 14 stories to 12 stories and has replaced approximately 20 studios with two-and-three bedroom units.

A representative from HANAC, the proposed operator of the MIH units and of the community facility programming in the proposed developments, spoke in favor of the applications, explaining that senior services, workforce development, LGBTQ+ counseling, older adult counseling, and youth/afterschool programs would be provided.

A representative of the 32BJ Service Employees International Union (SEIU) spoke in favor of the application, citing the need for new jobs and stated that the applicant has made a commitment with the union for prevailing wage building service worker jobs in the proposed developments.

Three speakers who live in the surrounding area testified in favor. A tenant from the New York Housing Authority (NYCHA) Astoria Houses stated that the proposed youth and senior center are needed in the area and would be open to the community at large and another speaker expressed similar considerations, stating that a new youth center is needed for positive youth development. A tenant from the NYCHA Woodside Houses stated that the district needs the affordable housing units proposed in the developments.

A representative of the Community Church of Astoria spoke in favor of the applications and stated that NYCHA residents need new options for affordable housing and noted that HANAC and Urban Upbound are reliable not-for-profit providers of affordable housing and workforce development.

Four speakers who live adjacent to or nearby the project area testified in opposition of the applications. The speakers stated that the heights of the proposed buildings are out of scale with

the surrounding area, the proposed MIH units are not affordable enough to meet the needs of lower-income households, and that the developments would exacerbate the area's infrastructure, citing flooding issues from recent storms.

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

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 210200 ZMQ), in conjunction with the related application for a zoning text amendment (N 210201 ZRQ), is appropriate.

The Commission believes that the proposed C4-5X and C4-4 zoning districts reflect existing land use patterns that support mixed-use developments and are appropriate zoning districts to facilitate the proposed developments that would include residential, commercial, and community facility uses. The Commission recognizes that that the project area's location can support the increase in FAR given its transit accessibility and frontages along 31<sup>st</sup> Street and Astoria Boulevard, both of which are wide streets. The Commission notes that due to the wide expanse of Astoria Boulevard, stronger interventions are needed on this stretch of 31<sup>st</sup> Street to connect the area with the better-established ground-floor commercial activity south of Astoria Boulevard; as well as to Ditmars Boulevard, which is another prominent mixed-use corridor located one block north of the project area.

The Commission notes the commitments the applicant has made with 32BJ SCIU to provide prevailing wage building service worker jobs and with Urban Upbound on providing workforce development opportunities, and notes the applicant's efforts to update the proposed developments based on concerns, by reducing the height of one of the buildings and replacing several studio units with two-and-three bedroom units.

The proposed zoning text amendment to designate the project area as an MIH area is appropriate. The Commission recognizes the need for affordable housing resources that extend beyond the Voluntary Inclusionary Housing Areas that were mapped in R7A and C4-4A districts at the time

of the 2010 Astoria Rezoning. The Commission notes the disparity in Area Median Incomes throughout Community District 1 and believes that providing permanently affordable units begins to address the need for available affordable housing units across the district. The designation is consistent with the City’s objective of promoting housing production and affordability across the city, as outlined in *Housing New York*, and the Commission supports the development of new affordable housing in Queens Community District 1. Therefore, the Commission believes that this application for a zoning map amendment, in conjunction with the related application for a zoning text amendment, is appropriate.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on June 21, 2021 with respect to this application (CEQR No. 21DCP117Q), 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 changed by the Zoning Map, Section 9a by:

1. changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and a line 80 feet southeasterly of 31<sup>st</sup> Street;
2. changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and 31<sup>st</sup> Street;
3. changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31<sup>st</sup> Street; and
4. changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 80 feet southeasterly of 31<sup>st</sup> Street, Astoria Boulevard

North, and 31<sup>st</sup> Street.

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623.

The above resolution (C 210200 ZMQ), duly adopted by the City Planning Commission on December 1, 2021 (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.

**ANITA LAREMONT**, Chair  
**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman  
**DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ.**,  
**ALFRED C. CERULLO III, JOSEPH I. DOUEK,**  
**RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,**  
**LARISA ORTIZ, RAJ RAMPERSHAD**, Commissioners



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 31st Street and Hoyt Ave. Rezoning	
<b>Applicant:</b> MDM Development Group LLC	<b>Applicant's Primary Contact:</b> Frank St. Jacques
<b>Application #</b> 210200ZMQ	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP117Q	<b>Validated Community Districts:</b> Q01

**Docket Description:**  
 IN THE MATTER OF an application submitted by MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

- changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24th Avenue, a line 90 feet southeasterly of 31st Street, a line 200 feet northeasterly of 24th Road, and a line 80 feet southeasterly of 31st Street;
- changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24th Avenue, a line 90 feet southeasterly of 31st Street, a line 130 feet southwesterly of 24th Avenue, a line 80 feet southeasterly of 31st Street, a line 200 feet northeasterly of 24th Road, and 31st Street;
- changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24th Road, a line 90 feet southeasterly of 31st Street, 24th Road, 32nd Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31st Street; and
- changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24th Road, a line 80 feet southeasterly of 31st Street, Astoria Boulevard North, and 31st Street.

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 4	<b># Against:</b> 25	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 9/21/2021 12:00 AM		<b>Vote Location:</b> ZOOM virtual meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 9/21/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Virtual meeting on Zoom

**CONSIDERATION:** The Board (C B 1, Queens) voted on a motion to approve the referenced application with 4 in favor, 25 against the application and 4 not voting for cause.

Recommendation submitted by	QN CB1	Date: 10/13/2021 4:13 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 31st Street and Hoyt Ave. Rezoning	
<b>Applicant:</b> MDM Development Group LLC	<b>Applicant's Primary Contact:</b> Frank St. Jacques
<b>Application #</b> 210201ZRQ	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP117Q	<b>Validated Community Districts:</b> Q01

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 4	<b># Against:</b> 25	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 9/21/2021 12:00 AM		<b>Vote Location:</b> ZOOM virtual meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 9/21/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Virtual meeting on Zoom

<b>CONSIDERATION:</b> The Board (C B 1, Queens) voted on a motion to approve the referenced application with 4 in favor, 25 against the application and 4 not voting for cause.		
Recommendation submitted by	QN CB1	Date: 10/13/2021 4:13 PM

# Queens Borough President Recommendation

APPLICATION: ULURP #210201 ZRQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman LLP on behalf of MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC pursuant to Section 201 of the New York City Charter for an amendment of the NYC Zoning Resolution modifying Appendix F to establish and designate the proposed rezoning area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District. (Related ULURP #210200 ZMQ)

## PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, September 23, 2021 at 9:30 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 fifteen (15) 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:

- This application proposes a zoning text amendment to Appendix F to establish and map the rezoning area as a Mandatory Inclusionary Housing Area (MIH);
- Another application (ULURP #210200 ZMQ) concurrently filed with this application proposes a zoning map amendment to change Block 835 Lots 1, 2, 3, 4, 7, 8 and Block 837 Lots 9, 13, 15, 16, 17, 27, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 and p/o Lots 49, Lots 1001-1034 (formerly Lot 50), 54, 55, and 58 from C4-3 and R5B Districts to C4-5X and C4-4 Districts. The proposed actions would facilitate the development of three new mixed commercial and residential buildings with community facility spaces, two of which will be operated by HANAC;
- The three development sites owned by three separate property owners would provide 295 dwelling units including approximately 74 affordable units using MIH Option 1. The affordable units are intended as Affordable independent Residences for Seniors (AIRS):
  - Site 1 (Block 837 Lots 9, 16 & 17): proposed 11-story mixed use building (5.98 FAR) built over an eight-story base, with 51 dwelling units including 13 affordable units under MIH Option 1, 10,784 SF ground floor commercial space, and 3,064 SF of community facility area intended for daycare use on the 2<sup>nd</sup> floor. There would be six enclosed parking spaces in the cellar;
  - Site 2 (Block 837 Lot 27): proposed 12-story mixed-use building with 161 units, including 40 affordable MIH Option 1 units, approximately 14,454 SF of commercial floor area, and a ground floor 3,962 SF senior center operated by HANAC. There would be 52 enclosed parking spaces in the cellar and nine enclosed spaces on the first floor. The building height was reduced from 14-stories to 12-stories as suggested during meetings with the Community Board 1 (CB 1) Land Use Committee;
  - Site 3 (Block 835 Lots 3, 4, 7 and 8): proposed 11-story, approximately 118 feet mixed-use building (5.93 FAR) built over a seven-story base with 64 residential units including 16 affordable MIH Option 1 units. The original proposed unit mix included studio apartments totaling 75 units including 19 affordable units. The applicant removed the studio apartments and increased the number of family sized units as requested by CB 1. There would be 7,548 SF of ground floor commercial space, 8,086 SF of community facility space for a youth center operated by HANAC. Parking for 19 cars are provided on the second floor of the building;
- Site 1 (Block 837 Lots 9, 16, 17) is located at the northeastern corner of 31<sup>st</sup> Street and Astoria Boulevard. It is an approximately 10,061 SF lot with approximately 157 feet of frontage on Astoria Boulevard, 100 feet of frontage on 31<sup>st</sup> Street, and 90 feet of frontage on 24<sup>th</sup> Road. It is improved with a one-story, 3,280 SF commercial building occupied by Neptune Diner and an unenclosed parking lot. Site 2 (Block 837 Lot 27) is located at the northeastern corner of 24<sup>th</sup> Road and 31<sup>st</sup> Street. It is an approximately 29,638 SF lot with 90 feet of frontage on 24<sup>th</sup> Road and 275 feet of frontage on 31<sup>st</sup> Street. It is improved with a one-story 26,280 SF commercial building occupied by Staples and an unenclosed parking lot. Site 3 (Block 835 Lots 3, 4, 7, 8 which will be merged into a single tax lot 3) is an approximately 13,503 SF lot located midblock on the eastern side of 31<sup>st</sup> Street between 24<sup>th</sup> Avenue and 23<sup>rd</sup> Road. It is currently vacant and unimproved;
- The surrounding area within a 600 foot radius is mapped with commercial and residential zoning districts including C4-3, R5B, and R5D. It is characterized by commercial and mixed-use buildings, P.S. 85, and several vacant parcels along 31<sup>st</sup> Street. To the east and west of 31<sup>st</sup> Street are primarily one- and two-family residential buildings with some multi-family buildings. Residential and mixed-use buildings range from two- to six-stories in height, commercial buildings range from one- to eight- stories, and industrial buildings are typically one-story warehouses. 31<sup>st</sup> Street is a major two-way traffic corridor that runs



**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #210201 ZRQ**

**Page two**

north/south through Astoria. Elevated subway tracks for the N and Q lines also run along 31<sup>st</sup> Street. Directly to the south are Astoria Boulevard/ Hoyt Avenue South and the approach to the Robert F. Kennedy Bridge. Hoyt Playground is located immediately west of 31<sup>st</sup> Street. The area is well served by public transit such as the N and Q lines, the M60-SBS, Q19, and Q69;

- Community Board 1 (CB 1) disapproved a favorable motion for this application by a vote of four (4) in favor, twenty-five (25) against with none (0) abstaining at the monthly meeting held on September 21, 2021. At the meeting the applicants stated that eight (8) studio units proposed for Site 3 would be removed and replaced with bigger units in response to the discussion at the CB 1 Land Use Committee (LUC) meeting. There were approximately twenty (20) public speakers against the project and three (3) speakers in favor. The CB 1 LUC met with the applicants on September 1, 2021 during which a number of concerns were raised about the project's effect on local residents, mostly seniors, on adjacent properties such as: building shadows, housing damage due to construction, lack of communication between neighboring homeowners and developers, breakup of neighborhood context, and a request for more family-sized units. However, the LUC did not make a recommendation to the full community board;
- During the Borough President's Land Use Public Hearing, the applicants' representative stated that an estimated 193 jobs would be created by the developments and that an agreement was reached with 32BJ regarding prevailing wages for the permanent building service worker jobs. For construction, the applicants committed to local and MWBE hiring, and partnering with Urban Upbound on outreach, job placement and workforce development. Ten (10) speakers testified in favor and five (5) testified against the application at the Borough President's Land Use Public Hearing.

**RECOMMENDATION**

There is clearly need for more affordable housing in New York City and particularly for seniors. Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- There should be a goal of 30% for local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% hiring goal has been reached;
- A Community Advisory Board (CAB) should be formed and meet on an ongoing regular basis providing a forum between the developers and community members, where residents can provide feedback and developers can share project information or provide answers and updates to issues that may arise before and during construction;
- Community Board 1, the CAB and neighboring residents should be advanced given notice of any upcoming construction related traffic closures for work or equipment deliveries along 31<sup>st</sup> Street and any other streets adjacent to the development;
- A 24/7 number and contact information should be established and prominently displayed onsite to allow community members to call, particularly during the evening off-hours, regarding site or construction related issues that may arise;
- There should be pre-construction baseline surveys performed on homes adjacent to the proposed development's property line. This data would be useful in assessing construction related damage complaints. Any damage attributed to construction should be repaired or remedied by the applicants;
- The applicant should explore the feasibility of further lowering the heights of the proposed buildings to address concerns raised by Community Board 1 and area residents.



**10/29/2021**

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

\_\_\_\_\_  
**DATE**

# Queens Borough President Recommendation

APPLICATION: ULURP #210200 ZMQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman LLP on behalf of MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and a line 80 feet southeasterly of 31<sup>st</sup> Street;
2. changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and 31<sup>st</sup> Street;
3. changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31<sup>st</sup> Street; and
4. changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 80 feet southeasterly of 31<sup>st</sup> Street, Astoria Boulevard North, and 31<sup>st</sup> Street.

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623. (Related ULURP # 210201);

## PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, September 23, 2021 at 9:30 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 fifteen (15) 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:

- This application proposes a zoning map amendment to change Block 835 Lots 1, 2, 3, 4, 7, 8 and Block 837 Lots 9, 13, 15, 16, 17, 27, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 and p/o Lots 49, Lots 1001-1034 (formerly Lot 50), 54, 55, and 58 from C4-3 and R5B Districts to C4-5X and C4-4 Districts. The proposed actions would facilitate the development of three new mixed commercial and residential buildings with community facility spaces, two of which will be operated by HANAC;
- Another application (ULURP #210201 ZRQ) concurrently filed with this application proposes a zoning text amendment to Appendix F to establish and map the rezoning area as a Mandatory Inclusionary Housing Area (MIH);
- The three development sites owned by three separate property owners would provide 295 dwelling units including approximately 74 affordable units using MIH Option 1. The affordable units are intended as Affordable independent Residences for Seniors (AIRS):
  - Site 1 (Block 837 Lots 9, 16 & 17): proposed 11-story mixed use building (5.98 FAR) built over an eight-story base, with 51 dwelling units including 13 affordable units under MIH Option 1, 10,784 SF ground floor commercial space, and 3,064 SF of community facility area intended for daycare use on the 2<sup>nd</sup> floor. There would be six enclosed parking spaces in the cellar;
  - Site 2 (Block 837 Lot 27): proposed 12-story mixed-use building with 161 units, including 40 affordable MIH Option 1 units, approximately 14,454 SF of commercial floor area, and a ground floor 3,962 SF senior center operated by HANAC. There would be 52 enclosed parking spaces in the cellar and nine enclosed spaces on the first floor. The building height was reduced from 14-stories to 12-stories as suggested during meetings with the Community Board 1 (CB 1) Land Use Committee;
  - Site 3 (Block 835 Lots 3, 4, 7 and 8): proposed 11-story, approximately 118 feet mixed-use building (5.93 FAR) built over a seven-story base with 64 residential units including 16 affordable MIH Option 1 units. The original proposed unit mix included studio apartments totaling 75 units including 19 affordable units. The applicant removed the studio apartments and increased the number of family sized units as requested by CB 1. There would be 7,548 SF of ground floor commercial space, 8,086 SF of community facility space for a youth center operated by HANAC. Parking for 19 cars are provided on the second floor of the building;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #210200 ZMQ**

**Page two**

- Site 1 (Block 837 Lots 9, 16, 17) is located at the northeastern corner of 31<sup>st</sup> Street and Astoria Boulevard. It is an approximately 10,061 SF lot with approximately 157 feet of frontage on Astoria Boulevard, 100 feet of frontage on 31<sup>st</sup> Street, and 90 feet of frontage on 24<sup>th</sup> Road. It is improved with a one-story, 3,280 SF commercial building occupied by Neptune Diner and an unenclosed parking lot. Site 2 (Block 837 Lot 27) is located at the northeastern corner of 24<sup>th</sup> Road and 31<sup>st</sup> Street. It is an approximately 29,638 SF lot with 90 feet of frontage on 24<sup>th</sup> Road and 275 feet of frontage on 31<sup>st</sup> Street. It is improved with a one-story 26,280 SF commercial building occupied by Staples and an unenclosed parking lot. Site 3 (Block 835 Lots 3, 4, 7, 8 which will be merged into a single tax lot 3) is an approximately 13,503 SF lot located midblock on the eastern side of 31<sup>st</sup> Street between 24<sup>th</sup> Avenue and 23<sup>rd</sup> Road. It is currently vacant and unimproved;
- The surrounding area within a 600 foot radius is mapped with commercial and residential zoning districts including C4-3, R5B, and R5D. It is characterized by commercial and mixed-use buildings, P.S. 85, and several vacant parcels along 31<sup>st</sup> Street. To the east and west of 31<sup>st</sup> Street are primarily one- and two-family residential buildings with some multi-family buildings. Residential and mixed-use buildings range from two- to six-stories in height, commercial buildings range from one- to eight- stories, and industrial buildings are typically one-story warehouses. 31<sup>st</sup> Street is a major two-way traffic corridor that runs north/south through Astoria. Elevated subway tracks for the N and Q lines also run along 31<sup>st</sup> Street. Directly to the south are Astoria Boulevard/ Hoyt Avenue South and the approach to the Robert F. Kennedy Bridge. Hoyt Playground is located immediately west of 31<sup>st</sup> Street. The area is well served by public transit such as the N and Q lines, the M60-SBS, Q19, and Q69;
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**RECOMMENDATION**

There is clearly need for more affordable housing in New York City and particularly for seniors. Based on the above consideration, I hereby recommend approval of this application with the following conditions:

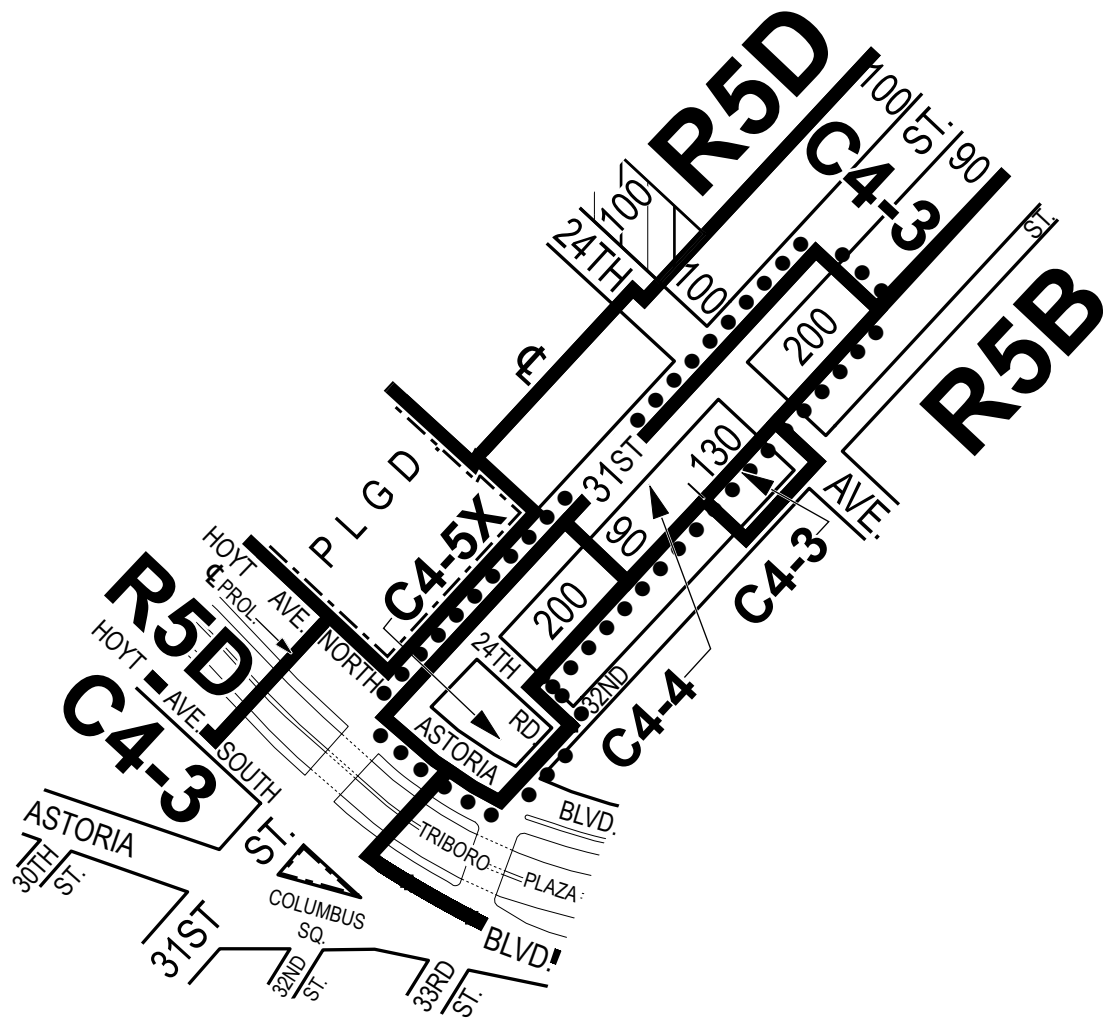
- There should be a goal of 30% for local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% hiring goal has been reached;
- A Community Advisory Board (CAB) should be formed and meet on an ongoing regular basis providing a forum between the developers and community members, where residents can provide feedback and developers can share project information or provide answers and updates to issues that may arise before and during construction;
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**10/29/2021**

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

\_\_\_\_\_  
**DATE**



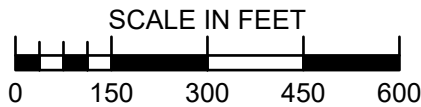
CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

**9a**



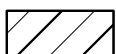
**BOROUGH OF  
 QUEENS**

S. Lenard, Director  
 Technical Review Division

New York, Certification Date:  
 March 15, 2021



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing R5B and C4-3 Districts to a C4-4 District and by changing C4-3 and R5B Districts to a C4-5X District.
-  Indicates a C1-3 District