

Queens Borough President Recommendation

APPLICATION: ULURP #190267 ZMQ

COMMUNITY BOARD: Q01

DOCKET DESCRIPTION

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

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

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

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, October 31, 2019, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were seven (7) speakers in favor with nine (9) against. The hearing was closed.

CONSIDERATION

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

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

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

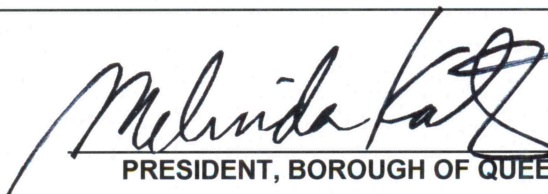
- Community Board 1 (CB1) approved a motion to disapprove this application with conditions by a vote of twenty-one (21) in favor with twelve (12) against and one (1) abstaining at a public hearing held on October 17, 2019. CB 1's motion was to disapprove the application unless the stipulated conditions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

RECOMMENDATION

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

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

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


PRESIDENT, BOROUGH OF QUEENS

12/2/19
DATE