City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY

Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. *Does Action Exceed Any Type I Threshold In 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?*

☐ Yes ☑ No

If yes, **STOP**, and **complete the FULL EAS**

2. *Project Name* 28th Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
12DCP003Q	
ULURP REFERENCE NUMBER (If Applicable))	**OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc)**
110398 ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY: Department of City Planning			NAME OF APPLICANT: Vlacich LLC		
NAME OF LEAD AGENCY CONTACT PERSON: Robert Dobruskin, Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: Richard Lobel		
ADDRESS: 22 Reade Street, 4N			ADDRESS: 18 East 41st Street, 5th Floor		
CITY: New York	STATE: NY	ZIP: 10007	CITY: New York	STATE: NY	ZIP: 10017
TELEPHONE: (212) 720-3417	FAX: (212) 720-3495		TELEPHONE: (212) 725-2727	FAX: (212) 725-3910	
EMAIL ADDRESS: rdobrus@planning.nyc.gov			EMAIL ADDRESS: rlobel@sheldonlobelpc.com		

5. *Project Description*:

See attached Project Description.

6a. *Project Location: Single Site* *(for a project at a single site, complete all the information below)*

ADDRESS	NEIGHBORHOOD NAME: Astoria	
TAX BLOCK AND LOT	BOROUGH: Queens	COMMUNITY DISTRICT: 1
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS: Bounded by 42nd and 43rd Street and a line parallel to and 150' north of 28th Avenue.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: R5	ZONING SECTIONAL MAP NO: 9c	

6b. *Project Location: Multiple Sites* *(Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)*

25-85 through 25-89 42nd Street, 42-01 through 42-19 28th Avenue, 25-86 through 25-96 43rd Street. (Block 701, Lots 1, 3, 5, 6, 8, 9, part of 76, 77, 78 and 108)

7. *REQUIRED ACTIONS OR APPROVALS* *(check all that apply)*

City Planning Commission: YES ☑ NO ☐

- ☐ CITY MAP AMENDMENT
- ☑ ZONING MAP AMENDMENT
- ☐ ZONING TEXT AMENDMENT
- ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ HOUSING PLAN & PROJECT
- ☐ SITE SELECTION — PUBLIC FACILITY
- ☐ FRANCHISE
- ☐ DISPOSITION — REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE:

- ☐ MODIFICATION OF
- ☐ RENEWAL OF
- ☐ OTHER

Board of Standards and Appeals: YES ☐ NO ☑

- ☐ SPECIAL PERMIT

EXPIRATION DATE MONTH DAY YEAR

- ☐ VARIANCE (USE)
- ☐ VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

ITEM 5: PROJECT DESCRIPTION

Premises: **Tax Block 701, Lots l, 3, 5, 6, 8, 9, 77, 78, and 108)**
Queens, New York

I. INTRODUCTION

The applicant, Vlacich LLC, is seeking a zoning map amendment to rezone a portion of Block 701 (Lots l, 3, 5, 6, 8, 9, 77, 78, and 108) in the Astoria neighborhood of Queens, New York (the "Rezoning Area") from an R5 district to an R5/C1 -2 district by imposing a 150' deep Cl-2 commercial overlay along the entire 28th Avenue frontage of Block 701. The Rezoning Area is bounded by 42nd Street, 28th Avenue, 43rd Street and a line parallel to and 150' feet north of 28th Avenue. The Rezoning Area is comprised of 9 tax lots, with a total area of approximately 30,000 square feet. Tax Lots 5, 6, 9 and 108 are owned by the applicant, and total approximately 13,225 square feet in area (the "Subject Property"). The proposed action would facilitate the currently existing use of portions of Lot 5 and Lot 9 on Block 701 as off-site accessory parking for the legal nonconforming restaurant on Lot 6, while bringing the existing mixed-use development in the Rezoning Area into conformance.

II. DESCRIPTION OF EXISTING CONDITIONS

The Subject Property is developed with four buildings on four tax lots, three of which are residential and one mixed-use. Tax Lot 5 is developed with a two-story residential building and 4 accessory parking spaces for the adjacent residential use on Lot 5, Lot 6 is developed with a two-story mixed-use building (legal non-conforming restaurant on ground floor, residential above), Lot 9 is developed with a two-story residential building and 18 accessory parking spaces, and Lot 108 is developed with a two-story semi-detached residence. The mixed-use building on Lot 6 was built in or around 1947 to house a restaurant and stores on the ground floor and a dwelling unit and dental offices above. The dental offices were converted to a second dwelling unit in or around 2005, and a restaurant (Piccolo Venezia) occupies the entire ground floor as a legal non-conforming commercial use. Piccolo Venezia is a longstanding neighborhood establishment, family-owned and operated since opening 38 years ago, in 1973. The NYC Department of Buildings has issued violations for the existing illegal parking lot use of Lot 9 (see Appendix A).

Of the remaining tax lots in the Rezoning Area, Lot 8 is approximately 1,500 square feet in area and developed with a one-story semi-detached residence. Lot 3 is approximately 6,150 square feet in area, and developed with a five-story mixed use building (stores on ground floor, residential above). Lot 1 is approximately 4,000 square feet in area, and developed with a four-story mixed use building (stores on ground floor, residential above). Lot 77 is approximately 2,275 square feet in area and developed with a three-story residential building. Lot 78 is approximately 2,682 square feet in area and developed with a three-story residential building.

The Rezoning Area and the surrounding area (within 400') are located within an R5 zoning district. To the west of Rezoning Area, there is an existing 150' deep C2-2 overlay on the north side of 28th Avenue and 41st Street, and a 150' deep Cl-2 overlay on the south side of 28th Street and 41st Street, as shown on the Area Map submitted with this application.

The land uses in the surrounding area are mainly residential, both multi- and single-family, along with some non-conforming mixed-use commercial and residential buildings. The Rezoning Area is

predominantly characterized by mixed-use buildings with non-conforming ground-floor commercial use, fronting on 28th Avenue. The remainder of Block 701 beyond the Rezoning Area is primarily developed with attached and semi-detached 2- and 3-story residential buildings and a few 4-story multiple dwellings, typical of the surrounding area.

III. PURPOSE AND NEED FOR PROPOSED ACTION

The proposed rezoning will bring several existing commercial uses in the Rezoning Area into conformance and better reflect the character of existing development. The Rezoning Area has never been rezoned, despite the overwhelmingly commercial character of the 28th Avenue frontage of Block 701. The proposed rezoning would also facilitate the use of portions of Lots 5 and 9 on Block 701 of the Subject Property for off-site accessory parking for the legal non-conforming restaurant on Lot 6 by allowing commercial use.

IV. DESCRIPTION OF PROPOSED ACTION

The proposed rezoning would change the Rezoning Area from an R5 zoning district to an R5/C1-2 district, which is a medium-density district which permits residential and community facility development, as well as commercial development and mixed-use buildings. The C1-2 district is the most appropriate commercial overlay for the Rezoning Area as it will bring into conformance almost all the existing non-conforming commercial uses in the Rezoning Area, while prohibiting more intensive commercial uses that will be out of character with the residential development along the side streets.

In a mixed residential/commercial building, the commercial use must be located beneath the residential use. The C1-2 commercial overlay would permit Use Groups 1-6, with a maximum 1.0 FAR for commercial uses. C1-2 districts are intended for local retail and service businesses that serve the surrounding area and do not create significant parking demand. The regulations of the residential district in which the C 1-2 overlay is mapped generally govern residential bulk, but certain regulations are waived, including front and side yard requirements.

If the proposed action is approved, the proposed rezoning would facilitate the use of portions of Lots 5 and 9 on Block 701 as attended off-street accessory parking spaces for the legally non-conforming restaurant on Lot 6 of the Subject Property and would bring into conformance the existing mixed-use development in the Rezoning Area, which includes the 2-story building with ground floor restaurant use on Lot 6, a 5-story building with ground floor retail use on Lot 3 and a 4-story building with ground floor retail use on Lot 1.

If the proposed action is not approved, the 18 accessory parking spaces on Lot 9 would be removed, the 4 accessory parking spaces on Lot 5 would continue to be used as accessory parking for the adjacent residential use, and the existing ground floor retail uses on Lots 1 and 3 would be converted to community facility uses (as stated in the RWCDS, Future No Action Condition).Patrons of the legal non- conforming restaurant would then have to seek on-street parking in the surrounding area.

V. Reasonable Worst Case Development Scenario

Future No-Action Condition

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDS) on the project site would be the following.

No changes would occur to the existing conditions on the project site described above with the following exceptions:

- The 18 accessory parking spaces on Lot 9 would be removed.

- The 4 accessory parking spaces on Lot 5 would continue to be used as accessory parking for the adjacent residential use on Lot 5.

- The 1,480 square feet of retail space on Lot 1 would be converted to community facility use.

- The 1,476 square feet of retail space on Lot 3 would be converted to community facility use.

Future With-Action Condition

In the future with the action, the RWCDS on the project site would include following:

- The existing legal non-conforming restaurant on restaurant on Lot 6 would be made conforming under the proposed C1-2 commercial overlay (No Change Site #1).

- The 18 accessory parking spaces on Lot 9 would be made conforming under the proposed C1-2 commercial overlay (Projected Site #1).

- The 4 accessory parking spaces on Lot 5 would be used as accessory parking for the restaurant on Lot 6 and would conform with the proposed C1-2 commercial overlay (Projected Site #2).

- The 1,480 square feet of retail space on Lot 1 would be made conforming under the proposed C1-2 commercial overlay (Potential Site #1).

- The 1,476 square feet of retail space on Lot 3 would be made conforming under the proposed C1-2 commercial overlay (Potential Site #2).

(See Attached Zoning, Land Use and Public Policy Section)

Department of Environmental Protection: YES ☐ NO ☑ IF YES, IDENTIFY:

Other City Approvals: YES ☐ NO ☑

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ FUNDING OF CONSTRUCTION; SPECIFY:
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ POLICY OR PLAN; SPECIFY:
- ☐ FUNDING OF PROGRAMS; SPECIFY:
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL *(not subject to CEQR)*
- ☐ PERMITS; SPECIFY:
- ☐ 384(b)(4) APPROVAL
- ☐ OTHER; EXPLAIN
- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) *(not subject to CEQR)*

State or Federal Actions/Approvals/Funding: YES ☐ NO ☑ IF "YES," IDENTIFY:

8. **Site Description:** *Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.*

GRAPHICS *The following graphics must be attached and each box must be checked off before the EAS is complete.* ***Each map must clearly depict*** *the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11×17 inches in size and must be folded to 8.5 ×11 inches for submission*

☑ Site location map ☑ Zoning map ☑ Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map

☑ Sanborn or other land use map ☑ Tax map ☐ For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING *(both developed and undeveloped areas)*

Total directly affected area (sq. ft.):	Type of Waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.)
30,000 SF		

Other, describe (sq. ft.):

9. **Physical Dimensions and Scale of Project** *(if the project affects multiple sites, provide the total development below facilitated by the action)*

Size of project to be developed: N/A (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES ☑ NO ☐

If 'Yes,' identify the total square feet owned or controlled by the applicant: 13,224.78 SF Total square feet of non-applicant owned development: 16,773.72 SF

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ☐ NO ☑

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: sq. ft. (width × length) Volume: cubic feet (width × length × depth)

DESCRIPTION OF PROPOSED USES *(please complete the following information as appropriate)*

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)		legalize 2,956 sf retail		
Type (e.g. retail, office, school)	units	legal18 pkg sp; 4 sp for com'l use		

Does the proposed project increase the population of residents and/or on-site workers? YES ☐ NO ☑ Number of additional residents? Number of additional workers?

Provide a brief explanation of how these numbers were determined: No increase in population of residents or on-site workers is proposed.

Does the project create new open space? YES ☐ NO ☑ if Yes (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: N/A (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: N/A (annual BTUs)

Has a No-Action scenario been defined for this project that differs from the existing condition? YES ☑ NO ☐ If 'Yes,' see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

In the case that the proposed action is not approved, the existing 18 accessory parking spaces on lot 9 would be removed, 4 accessory parking space on Lot 5 would continue to be used as accessory parking for the residential use on Lot 5, and the existing ground floor retail uses on Lots 1 and 3 would be converted to community facility uses (as described in the RWCDS, Future No-Action Condition).

10. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2013	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 0
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES ☑ NO ☐	IF MULTIPLE PHASES, HOW MANY PHASES:
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:	

11. *What is the Predominant Land Use in Vicinity of Project?* *(Check all that apply)*

☑ RESIDENTIAL ☐ MANUFACTURING ☑ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, Describe:

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the '**NO**' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the '**YES**' box.
- Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
1. *LAND USE, ZONING AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.	✓	
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes", complete the Consistency Assessment Form.		✓
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		✓
• Generate a net increase of 200,000 or more square feet of commercial space?		✓
• Directly displace more than 500 residents?		✓
• Directly displace more than 100 employees?		✓
• Affect conditions in a specific industry?		✓
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Does the proposed project exceed any of the thresholds outlined in Table 6-1 of Chapter 6?		✓
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?		✓
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents?		✓
If "Yes," would the proposed project generate 125 or more additional employees?		
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents?		✓
If "Yes," would the proposed project generate 750 or more additional employees?		
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate: 200 or more additional residents?		✓
500 additional employees?		✓

	YES	NO
5. *SHADOWS:* CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		✓
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District?		✓
If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
7. *URBAN DESIGN*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?		✓
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
8. *NATURAL RESOURCES:* CEQR Technical Manual Chapter 11		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
9. *HAZARDOUS MATERIALS:* CEQR Technical Manual Chapter 12		
(a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b) Does the project site have existing institutional controls (*e.g.* (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?		✓
(e) Would the project result in development where underground and/or aboveground storage tanks (*e.g.* gas stations) are or were on or near the site?		✓
(f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Would the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If 'Yes," were RECs identified? Briefly identify:		✓
10. *INFRASTRUCTURE:* CEQR Technical Manual Chapter 13		
(a) Would the proposed project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 of Chapter 13?		✓
(d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f) Is the project located in an area that is partially sewered or currently unsewered?		✓
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
11. *SOLID WASTE AND SANITATION SERVICES:* CEQR Technical Manual Chapter 14		
(a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓

	YES	NO
12. *ENERGY:* *CEQR Technical Manual Chapter 15*		
(a) Would the proposed project affect the transmission or generation of energy?		✓
13. *TRANSPORTATION:* *CEQR Technical Manual Chapter 16*		
(a) Would the proposed project exceed any threshold identified in Table 16-1 of Chapter 16?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection?		
***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16, "Transporation," for information.*		
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		
14. *AIR QUALITY:* *CEQR Technical Manual Chapter 17*		
(a) *Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 of Chapter 17?	✓	
(b) *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 of Chapter 17? If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed)		✓
(c) Does the proposed project involve multiple buildings on the project site?	✓	
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (*e.g.* E-designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
15. *GREENHOUSE GAS EMISSIONS:* *CEQR Technical Manual Chapter 18*		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		
16. *NOISE:* *CEQR Technical Manual Chapter 19*		
(a) Would the proposed project generate or reroute vehicular traffic?	✓	
(b) Would the proposed project introduce new or additional receptors (see Section 124 of Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?		✓
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?		✓
(d) Does the proposed project site have existing institutional controls (*e.g.* E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
17. *PUBLIC HEALTH:* *CEQR Technical Manual Chapter 20*		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18. *NEIGHBORHOOD CHARACTER:* *CEQR Technical Manual Chapter 21*		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, Noise If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		✓

		YES	NO
19.	***CONSTRUCTION IMPACTS:*** *CEQR Technical Manual Chapter 22* Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
	• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
	• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
	• Closure of community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the

Authorized Representative (APPLICANT/SPONSOR) of Vlacich LLC (NAME THE ENTITY OR OWNER)

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: ☑ APPLICANT/REPRESENTATIVE or ☐ LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Hiram A. Rothkrug, EPDSCO, Inc.

APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE:

DATE: 1/17/13

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)

INSTRUCTIONS:
In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potential Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy		✓
Socioeconomic Conditions		✓
Community Facilities and Services		✓
Open Space		✓
Shadows		✓
Historic and Cultural Resources		✓
Urban Design/Visual Resources		✓
Natural Resources		✓
Hazardous Materials		✓
Water and Sewer Infrastructure		✓
Solid Waste and Sanitation Services		✓
Energy		✓
Transportation		✓
Air Quality		✓
Greenhouse Gas Emissions		✓
Noise		✓
Public Health		✓
Neighborhood Character		✓
Construction Impacts		✓

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment. | | ✓

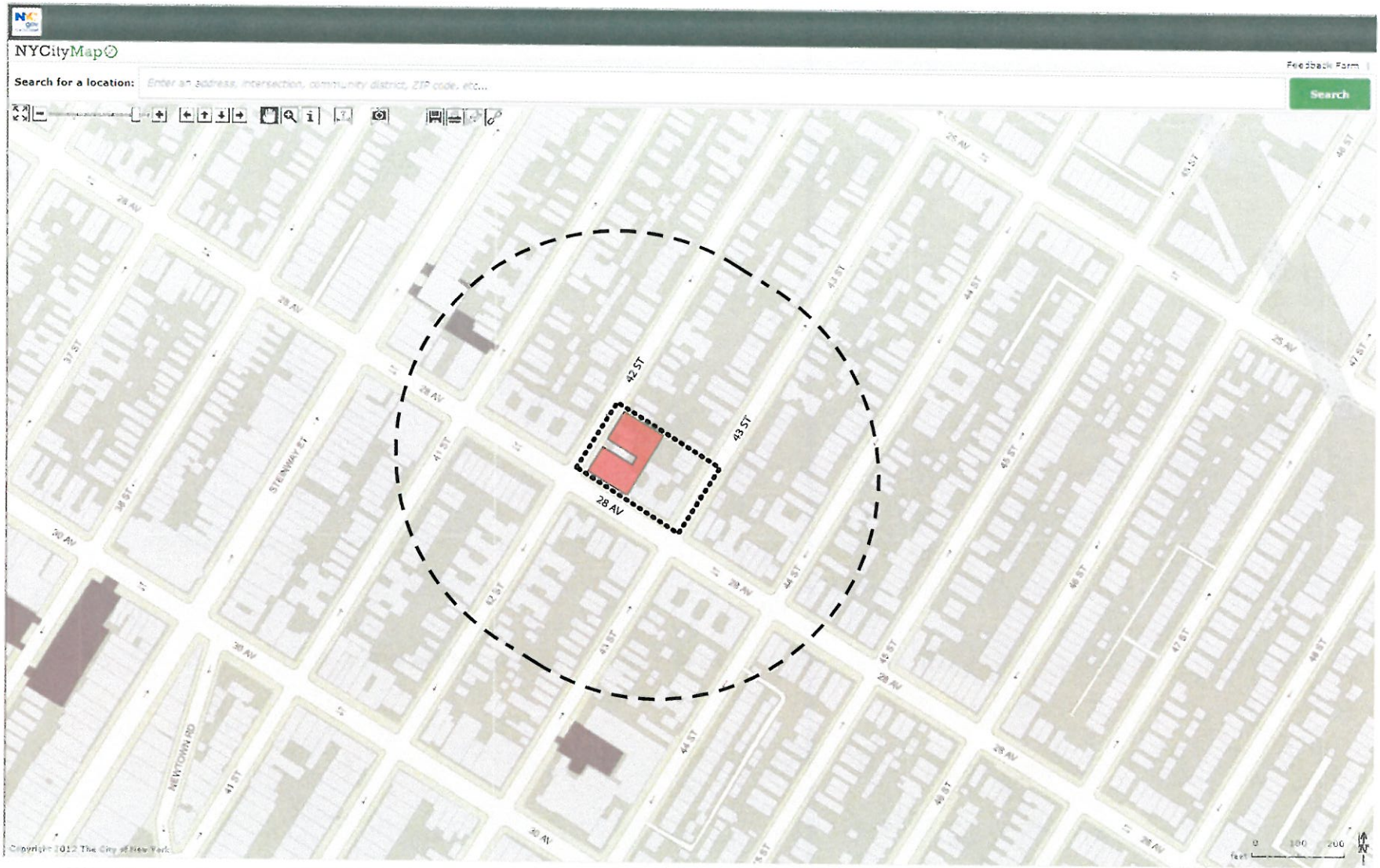
3. ***LEAD AGENCY'S CERTIFICATION***

Deputy Director, Environmental Review and Assessment Division
TITLE

Celeste Evans
NAME

New York City Department of City Planning
LEAD AGENCY

Celeste Evans
SIGNATURE



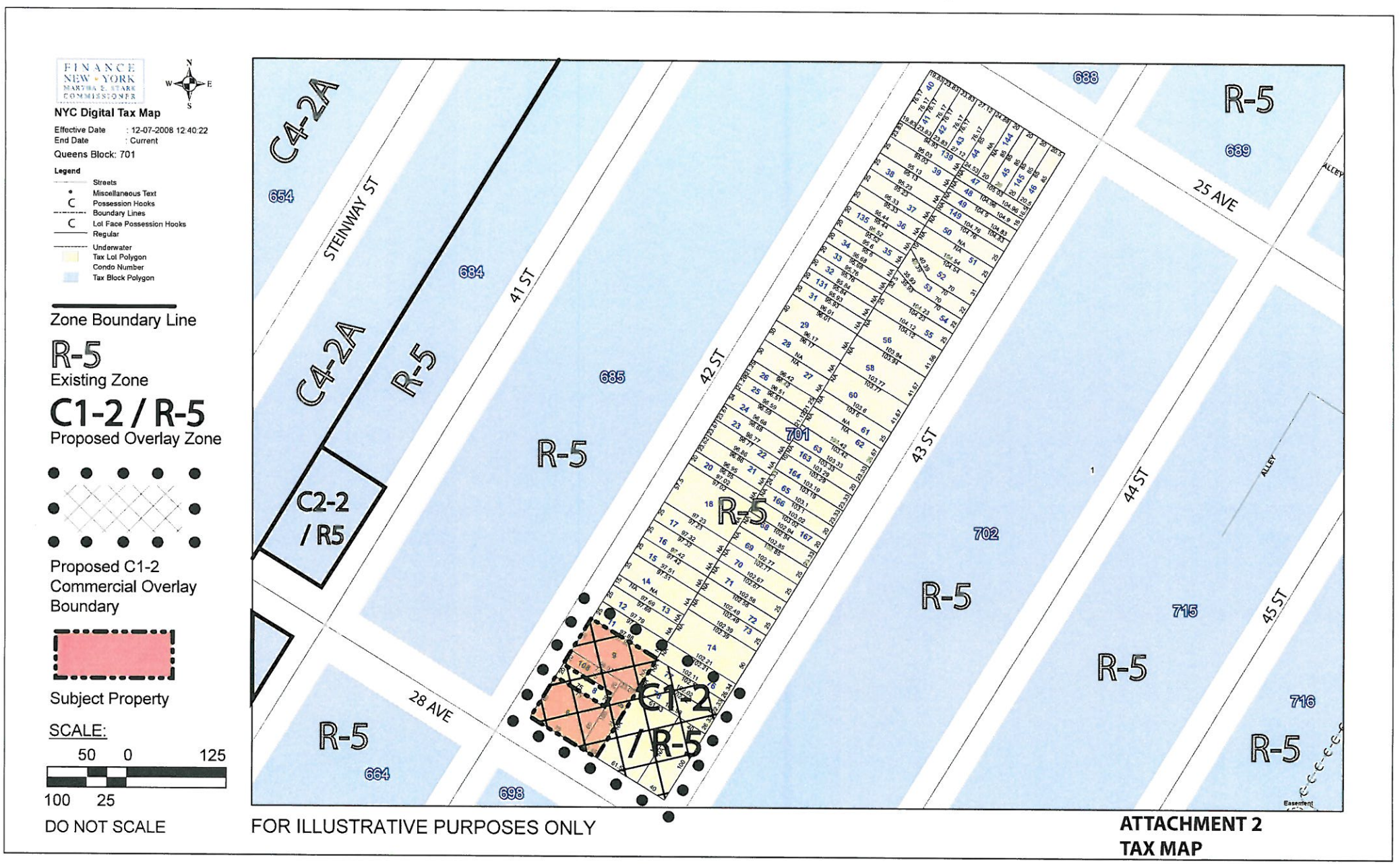
Area of Proposed Rezoning

Applicant's Property

400' Radius

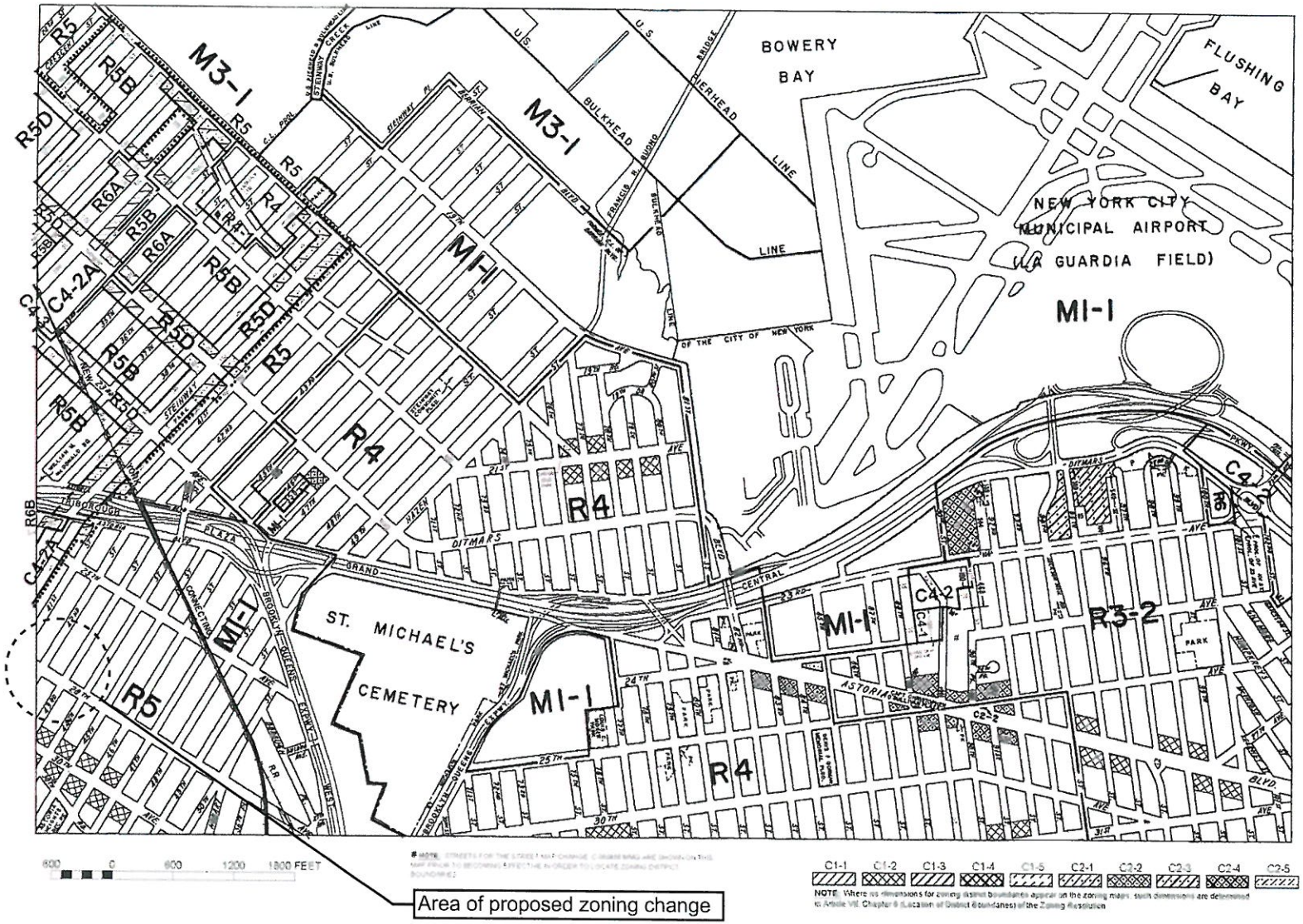
Open Space

ATTACHMENT 1
SITE LOCATION MAP



ATTACHMENT 2
TAX MAP

ATTACHMENT 3
ZONING MAP



C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII Chapter 8 (Location of District Boundaries) of the Zoning Resolution

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

05-25-2010 C 100199 ZMQ

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGES:

♦ AS CORRECTED 01-04-10

MAP KEY

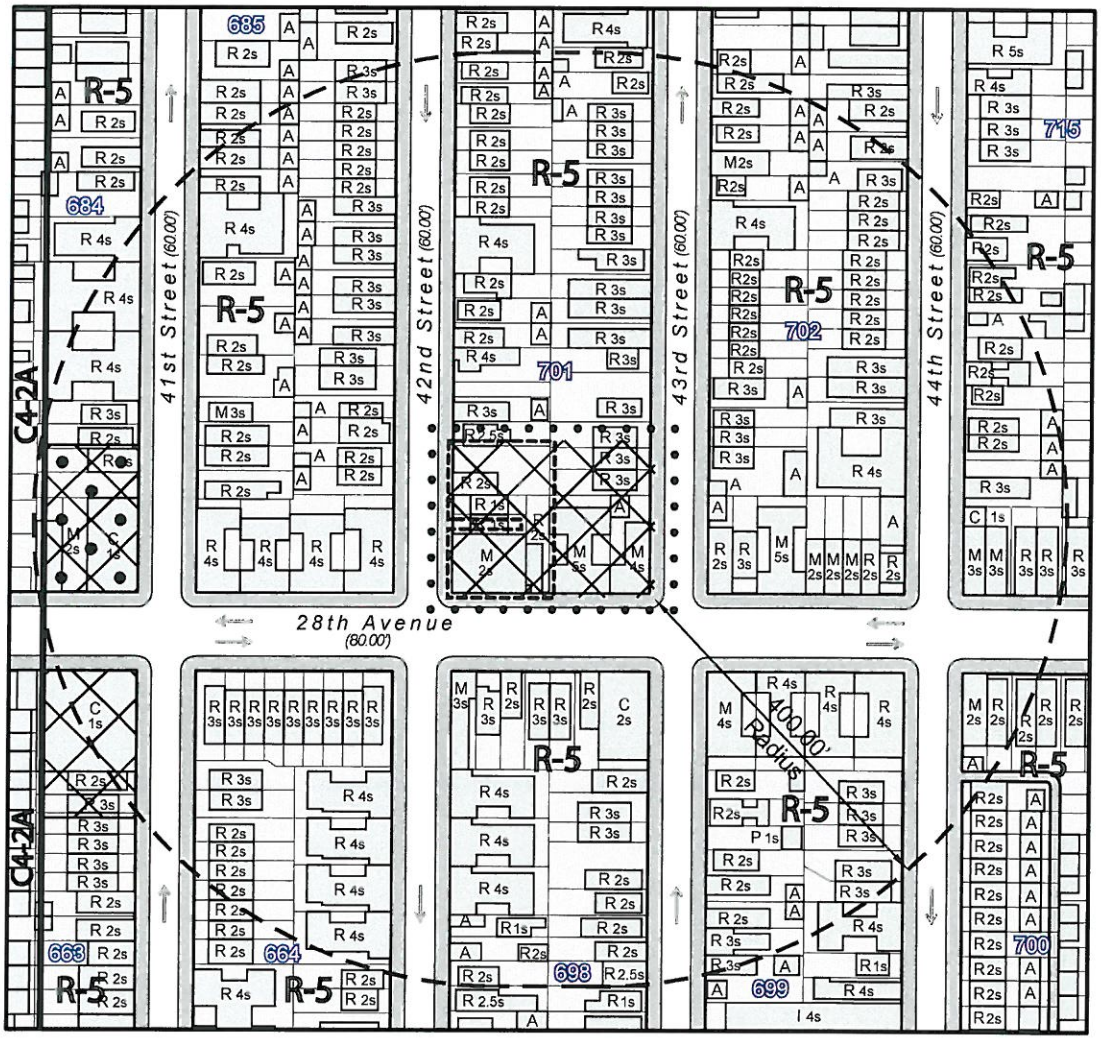
6b	6d	7b
9a	**9c**	10a
9b	9d	10b

ZONING MAP 9c

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291

ATTACHMENT 4
LAND USE RADIUS MAP

Area Map



Legend

FOR ILLUSTRATIVE PURPOSES ONLY

- Zone Boundary Line
- 400 Foot Radius
- **R-5** Existing Zone Label
- 555 Block Number
- *21st Street* Street Name
- *(100.00')* Approx. Street Width
- Traffic Direction
- Building Footprint
- Block Footprint
- Subject Property
- Existing C1-2 Commercial Overlay
- Existing C2-2 Commercial Overlay
- Proposed C1-2 Commercial Overlay

R - Residential
C - Commercial
I - Istitutional
M - Mixed Use
P - Parking
A - Accessory
3s - Number of Stories

SCALE:

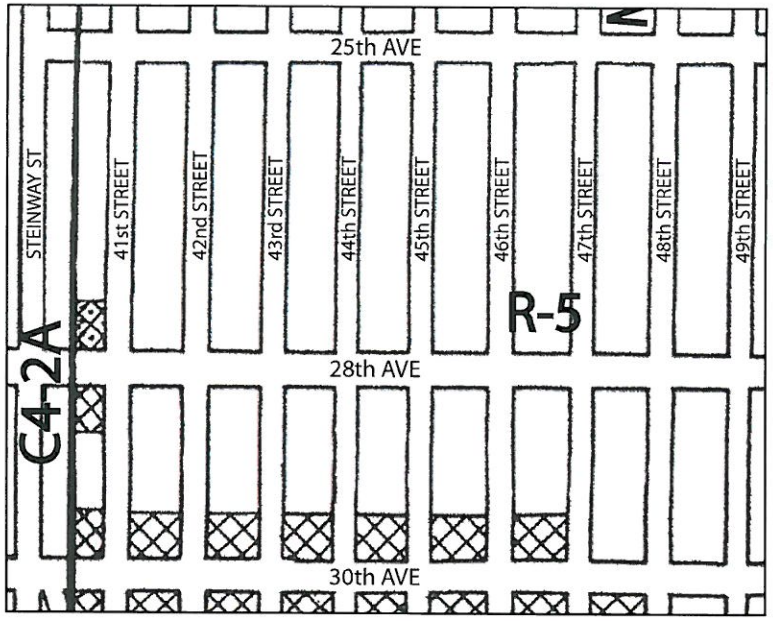
50 0 150
100 25

DO NOT SCALE

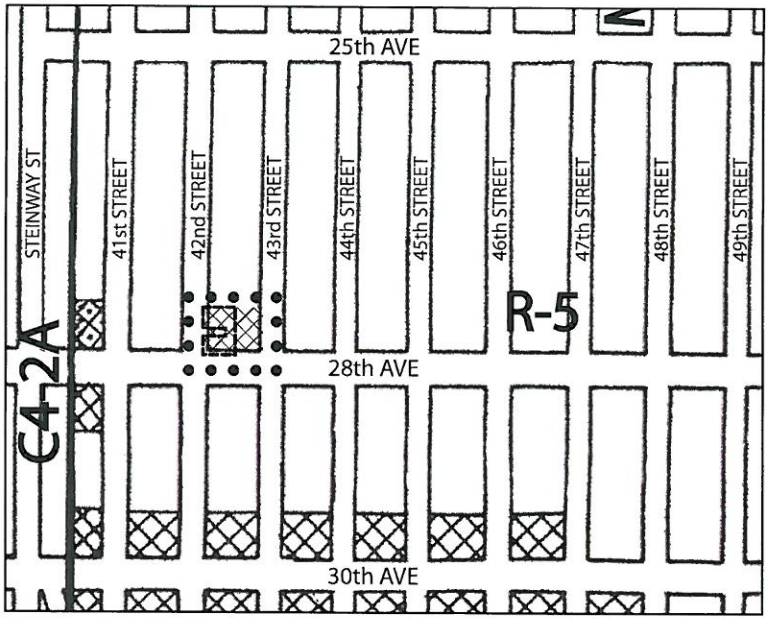
N E W S

Zoning Change Map

ATTACHMENT 5
CURRENT & PROPOSED
ZONING CHANGE MAP



Current Zoning Map



Proposed Zoning Map

Legend

FOR ILLUSTRATIVE PURPOSES ONLY

- Subject Property
- Existing C2-2 Commercial Overlay
- Existing C1-2 Commercial Overlay
- Proposed C1-2 Commercial Overlay Boundary

SCALE:

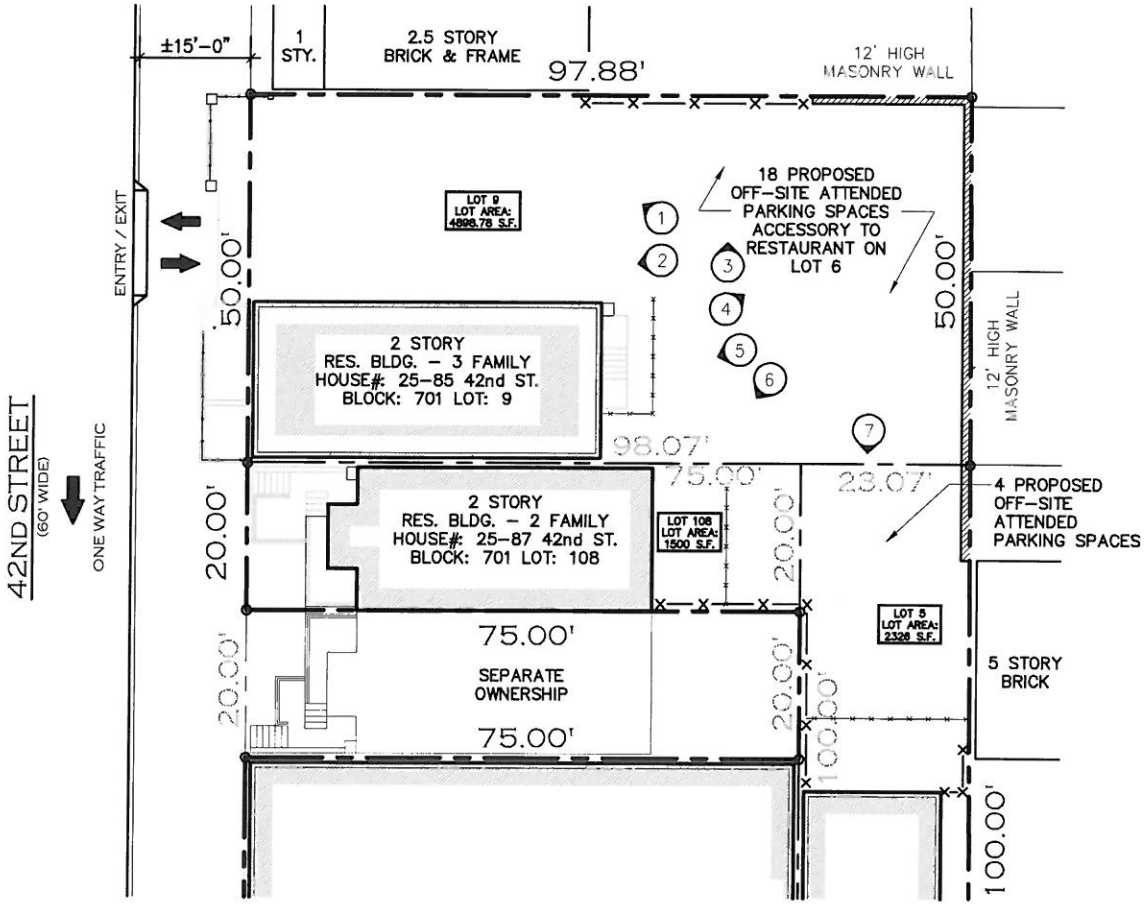
200 0 400

400 100

DO NOT SCALE

ATTACHMENT 6
PHOTOGRAPHS

KEY TO PHOTO VIEWPOINTS





PHOTO–1



PHOTO–2

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ARCHITECTS, P.C.
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HAWORTH N.J. 07641
201-384-4599

PROPOSED REZONING:
42-01 28TH AVENUE,
25-85 42ND STREET
BL: 701
LOTS: 5 & 9

NO.	REVISIONS DESCRIPTION	DATE
1	DWGS. FOR SUB.	12.10.2010
2	REVISED	2.03.2011
5	AS PER DCP	11.07.2012

DATE
DRAWN BY: CRL
JOB NO: 1072NJ
CHECKED BY:
DATE: 12.1.10

DWG. TITLE: SITE PHOTOS
DWG. NO. A-7



PHOTO–3



PHOTO–4

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HAWORTH N.J. 07641
201-384-8555

PROPOSED REZONING:
42-01 28TH AVENUE,
25-85 42ND STREET
BL: 701
LOTS: 5 & 9

NO.	REVISIONS DESCRIPTION	DATE
1	DWGS. FOR SUB.	12.30.2010
2	REVISED	2.03.2011
5	AS PER DEP	11.07.2012

DATE

DRAWN BY: CRL | JOB NO 1072NJ

CHECKED BY: | DATE: 12.1.10

DWG. TITLE: SITE PHOTOS

DWG NO A-8



PHOTO–5



PHOTO–6

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PROPOSED REZONING:
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25-85 42ND STREET
BL: 701
LOTS: 5 & 9

NO.	DESCRIPTION	DATE
1	DWGS. FOR SUB.	12.30 2010
2	REVISED	2.03 2011
5	AS PER DCP	11.07 2012

DATE

DRAWN BY: CRL | JOB NO. 1072.NJ

CHECKED BY: | DATE: 12.1.10

DWG. TITLE: SITE PHOTOS

DWG. NO. A-9



PHOTO–7

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201-384-[illegible]

PROPOSED REZONING:
42-01 28TH AVENUE,
25-85 42ND STREET
BL: 701
LOTS: 5 & 9

REVISIONS			DATE	
NO.	DESCRIPTION	DATE		
1	DWGS. FOR SUB.	12.20 2010		
2	REVISED	2.03 2011	DRAWN BY: CRL	JOB NO 1072NJ
5	AS PER DCP	11.07 2012	CHECKED BY:	DATE: 12.1.10

DWG. TITLE: SITE PHOTOS

DWG. NO. A-10

28TH AVENUE, ASTORIA REZONING

ENVIRONMENTAL ASSESSMENT STATEMENT

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Short Form, the only analysis areas that require further explanation include land use, zoning, and public policy, air quality, and noise as further detailed below. The subject heading numbers below correlate with the relevant chapters of the January 2012 *CEQR Technical Manual.*

4. LAND USE, ZONING, AND PUBLIC POLICY

Introduction

The applicant, Vlacich LLC, is seeking a zoning map amendment to rezone a portion of Block 701 (Lots 1, 3, 5, 6, 8, 9, 77, 78, and 108) in the Astoria neighborhood of Queens, New York (the "Rezoning Area") from an R5 district to an R5/C1-2 district by imposing a 150' deep C1-2 commercial overlay along the entire 28th Avenue frontage of Block 701. The Rezoning Area is bounded by 42nd Street, 28th Avenue, 43rd Street, and a line parallel to and 150' feet north of 28th Avenue. The Rezoning Area is comprised of 9 tax lots, with a total area of approximately 30,000 square feet. Tax Lots 5, 6, 9, and 108 are owned by the applicant, and total approximately 13,225 square feet in area (the "Subject Property"). The proposed action would facilitate the use of portions of Lots 5 and 9 on Block 701 as attended off-street accessory parking spaces for the legally non-conforming restaurant on Lot 6 while bringing the existing mixed-use development in the Rezoning Area into conformance.

Existing Conditions

The Subject Property is developed with four buildings on four tax lots, three of which are residential and one mixed-use. Tax Lot 5 is developed with a two-story residential building and 4 accessory parking spaces for the adjacent residential use on Lot 5, Lot 6 is developed with a two-story mixed-use building (legal non-conforming restaurant on the ground floor, residential above), Lot 9 is developed with a two-story residential building and 18 accessory parking spaces which are currently being illegally used for the restaurant on Lot 6, and Lot 108 is developed with a two-story semi-detached residence. The mixed-use building on Lot 6 was built in or around 1947 to house a restaurant and stores on the ground floor and a dwelling unit and dental offices above. The dental offices were converted to a second dwelling unit in or around 2005, and a restaurant (Piccolo Venezia) occupies the entire ground floor as a legal non-conforming commercial use. Piccolo Venezia is a longstanding neighborhood

establishment, family-owned and operated since opening 38 years ago, in 1973. The NYC Department of Buildings has issued violations for the existing illegal parking lot use of Lot 9 (see Appendix A).

Of the remaining tax lots in the Rezoning Area, Lot 8 is approximately 1,500 square feet in area and developed with a one-story semi-detached residence. Lot 3 is approximately 6,150 square feet in area, and developed with a five-story mixed-use building (stores on ground floor, residential above). Lot 1 is approximately 4,000 square feet in area, and developed with a four-story mixed-use building (stores on ground floor, residential above). Lot 77 is approximately 2,275 square feet in area and developed with a three-story residential building. Lot 78 is approximately 2,682 square feet in area and developed with a three-story residential building.

The Rezoning Area and the surrounding area (within 400') are located within an R5 zoning district. To the west of the Rezoning Area, there is an existing 150' deep C2-2 overlay on the north side of 28th Avenue and 41st Street, and a 150' deep Cl-2 overlay on the south side of 28th Street and 41st Street, as shown on the Area Map submitted with this application.

The land uses in the surrounding area are mainly residential, both multi- and single-family, along with some non-conforming mixed-use commercial and residential buildings. The Rezoning Area is predominantly characterized by mixed-use buildings with non-conforming ground-floor commercial use, fronting on 28th Avenue. The remainder of Block 701 beyond the Rezoning Area is primarily developed with attached and semi-detached 2- and 3-story residential buildings and a few 4-story multiple dwellings, typical of the surrounding area.

Table 4-1 presents the existing development in the Proposed Rezoning Area.

Future No-Action Condition

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDS) on the project site would be the following.

No changes would occur to the existing conditions on the project site described above with the following exceptions:

- The 18 accessory parking spaces on Lot 9 would be removed.
- The 4 accessory parking spaces on Lot 5 would continue to be used as accessory parking for the residential use on Lot 5.
- The 1,480 square feet of retail space on Lot 1 would be converted to community facility use.
- The 1,476 square feet of retail space on Lot 3 would be converted to community facility use.

It should be noted that although the existing restaurant on Lot 6 is not allowed under the property's existing R5 zoning, Lot 6 has a Certificate of Occupancy for a ground floor restaurant use so in the Future No-Action condition this legal use would remain.

Surrounding land uses within the immediate study area are expected to remain largely unchanged by the project build year of 2013. No development plans are known to exist for the study area by the project build year of 2013. The project study area is generally fully developed with few vacant parcels.

Table 4-1 presents the Future No-Action Condition RWCDS in the Proposed Rezoning Area.

Future With-Action Condition

The proposed rezoning would bring several existing commercial uses in the Rezoning Area into conformance and better reflect the character of existing development. The Rezoning Area has never been rezoned, despite the overwhelmingly commercial character of the 28th Avenue frontage of Block 701. The proposed action would facilitate the currently existing use of portions of Lot 5 and Lot 9 on Block 701 as off-site accessory parking for the legal nonconforming restaurant on Lot 6, while bringing the existing mixed-use development in the Rezoning Area into conformance.

The proposed rezoning would change the Rezoning Area from an R5 zoning district to an R5/Cl-2 district, which is a medium-density district which permits residential and community facility development, as well as commercial development and mixed-use buildings. The C1-2 district is the most appropriate commercial overlay for the Rezoning Area as it would bring into conformance almost all the existing non-conforming commercial uses in the Rezoning Area, while prohibiting more intensive commercial uses that would be out of character with the residential development along the side streets.

In a mixed residential/commercial building, the commercial use must be located beneath the residential use. The Cl-2 commercial overlay would permit Use Groups 1-6, with a maximum 1.0 FAR for commercial uses. Cl-2 districts are intended for local retail and service businesses that serve the surrounding area and do not create significant parking demand. The regulations of the residential district in which the C1-2 overlay is mapped generally govern residential bulk, but certain regulations are waived, including front and side yard requirements.

Lots 5 and 9 currently have 4 and 18 accessory parking spaces, respectively (a total of 22). The 4 accessory parking spaces on Lot 5 are currently being used as accessory parking for the adjacent residential use on Lot 5. Therefore, if the proposed action is approved, it would legalize the currently existing use of portions of Lots 9 as attended accessory parking space for the legal non-conforming restaurant on Lot 6 as well as allow the use of portions of Lot 5 as accessory parking for the commercial use on Lot 6.

As noted on the original Certificate of Occupancy for the existing restaurant building on Lot 6, issued in 1947, there are no on-site accessory parking spaces provided. However, to prevent on-street parking by restaurant patrons on the adjacent residential side streets, the applicant is currently providing off-site accessory parking on Lot 9, which is not permitted within the current R5 zoning district. Should the proposed R5/C1-2 zoning district be approved, the applicant would be permitted to legally utilize portions of Lots 5 and 9 for off-site accessory parking, pursuant to Section 36-43 of the Zoning Resolution. The proposed rezoning would also bring into conformance the existing mixed-use development in the rezoning area.

Should the proposed rezoning be approved, the existing buildings on Lots 5 and 9 would remain. Portions of Lots 5 and 9 not occupied by existing multi-family buildings are already paved for the current use as accessory off-street parking, and a 6-foot high chain link fence and a 12-foot masonry wall provide a buffer for adjoining residential uses. New planters with arbor vitae would be installed at the rear of the residential buildings on Lots 5, 108, and 9 to provide a buffer from the parking use.

Should the proposed rezoning be approved, the off-site accessory parking would continue to be accessed from 42nd Street by a 16'-0" wide curb cut in front of Lot 9, located approximately 120 feet from the intersection of 42nd Street and 28th Avenue. This curb cut would continue to be used for both ingress and egress. No new curb cuts would be created. Four spaces are currently used by residential tenants of the buildings that abut the accessory parking lot (there is no required accessory parking for these dwelling units, but certain tenants have agreements with the applicant to park in the lot).

If the proposed action is not approved, the use of portions of Lot 9 for off-site accessory parking for the restaurant on Lot 6 would be removed, portions of Lot 5 would continue to be used as accessory parking for the adjacent residential use, and patrons of the legal non-conforming restaurant would have to seek on-street parking in the surrounding area.

In the future with the action, the RWCDS on the project site would include following:

- The existing legal non-conforming restaurant on restaurant on Lot 6 would be made conforming under the proposed C1-2 commercial overlay (No Change Site #1).
- The 18 accessory parking spaces on Lot 9 would be made conforming under the proposed C1-2 commercial overlay (Projected Site #1).
- The 4 accessory parking spaces on Lot 5 would be used as accessory parking for the restaurant on Lot 6 and would conform with the proposed C1-2 commercial overlay (Projected Site #2).

- The 1,480 square feet of retail space on Lot 1 would be made conforming under the proposed C1-2 commercial overlay (Potential Site #1).
- The 1,476 square feet of retail space on Lot 3 would be made conforming under the proposed C1-2 commercial overlay (Potential Site #2).

Table 4-1 presents the Future With-Action Condition RWCDS in the Proposed Rezoning Area and the increment between the No-Action and With-Action scenarios. The proposed action would be taken in 2012.

Table 4-1
28th Avenue Astoria Rezoning
Existing Conditions, No-Action RWCDS, With-Action RWCDS

Projected/ Potential Develop Site #	Projected/ Potential Develop Site ID	Existing Conditions (R5, max FAR 1.25 resid, 2.0 CF)	No-Action (R5, max FAR 1.25 resid, 2.0 CF)	With-Action (R5/C1-2, max FAR 1.25 resid, 2.0 CF, 1.0 com'l)	Increment (Build & No Build)
No Change Site #1[1]	Bl 701, Lot 6; 42-01 28th Ave	4,500 sf lot; 4,185 sf restaurant; 2 DUs, 4,185 sf; 1.86 FAR	4,500 sf lot; 4,185 sf restaurant; 2 DUs, 4,185 sf; 1.86 FAR	4,500 sf lot; 4,185 sf restaurant; 2 DUs, 4,185 sf; 1.86 FAR	0
Projected Site #1	Bl 701, Lot 9; 25-85 42nd St	4,900 sf lot; 3 DUs, 1,666 sf; 18 access parking spaces; 0.34 FAR	4,900 sf lot; 3 DUs, 1,666 sf; 0.34 FAR	4,900 sf lot; 3 DUs, 1,666 sf; 18 access parking spaces 0.34 FAR	+18 access parking spaces
Projected Site #2	Bl 701, Lot 5; 42-09 28th Ave	2,326 sf lot; 2 DUs, 1,799 sf; 0.77 FAR; 4 parking spaces accessory to adjacent residential use	2,326 sf lot; 2 DUs, 1,799 sf; 0.77 FAR; 4 parking spaces accessory to adjacent residential use	2,326 sf lot; 2 DUs, 1,799 sf; 0.77 FAR; 4 parking spaces accessory to commercial restaurant use on Lot 6	0
No Change Site #2	Bl 701, Lot 108; 25-87 42nd St	1,500 sf lot; 2 DUs, 1,170 sf; 0.78 FAR	1,500 sf lot; 2 DUs, 1,170 sf; 0.78 FAR	1,500 sf lot; 2 DUs, 1,170 sf; 0.78 FAR	0
Potential Site #1	Bl 701, Lot 1; 25-96 28th Ave	4,000 sf lot; 10 DUs, 10,240 sf; 1,480 sf retail; 2.93 FAR	4,000 sf lot; 10 DUs, 10,240 sf; 1,480 sf CF; 2.93 FAR	4,000 sf lot; 10 DUs, 10,240 sf; 1,480 sf retail; 2.93 FAR	-1,480 sf CF; +1,480 sf retail
Potential Site #2	Bl 701, Lot 3; 42-11 28th Ave	6,150 sf lot, 27 DUs, 25,338; 1,476 sf retail; 4.36 FAR	6,150 sf lot, 27 DUs, 25,338; 1,476 sf CF; 4.36 FAR	6,150 sf lot, 27 DUs, 25,338; 1,476 sf retail; 4.36 FAR	-1,476 sf CF; +1,476 sf retail
No Change Site #3	Bl 701, Lot 8; 25-89 42nd St	1,500 sf lot, 2 DUs, 1,425 sf; 0.95 FAR	1,500 sf lot, 2 DUs, 1,425 sf; 0.95 FAR	1,500 sf lot, 2 DUs, 1,425 sf; 0.95 FAR	0
No Change Site #4	Bl 701, Lot 77; 25-88 43rd St	2,275 sf lot, 3 DUs, 2,207 sf; 0.97 FAR	2,275 sf lot, 3 DUs, 2,207 sf; 0.97 FAR	2,275 sf lot, 3 DUs, 2,207 sf; 0.97 FAR	0

[1] Although the existing restaurant use is not allowed under the property's existing R5 zoning, Lot 6 has a Certificate of Occupancy for a ground floor restaurant use so in the Future No-Action condition this legal use would remain.

No Change Site #5	Bl 701, Lot 78; 25-90 43rd St	2,682 sf lot, 3 DUs, 3,084 sf; 1.15 FAR	2,682 sf lot, 3 DUs, 3,084 sf; 1.15 FAR	2,682 sf lot, 3 DUs, 3,084 sf; 1.15 FAR	0
TOTAL		**29,833 sf lot, 54 DU's (51,114 sf), 1 restrt (4,185 sf), 2 rtl stores (2,956 sf), 22 acc pkg sp**	**29,833 sf lot, 54 DU's (51,114 sf), 1 restrt (4,185 sf), 2 CF uses (2,956 sf); 4 pkg sp accessory to adjacent residential use**	**29,833 sf lot, 54 DU's (51,114 sf), 1 restrt (4,185 sf), 2 retail stores (2,956 sf), 22 acc pkg sp**	**Added: 2,956 sf rtl, 18 acc pkg sp; Removed: 2,956 sf CF**

17. AIR QUALITY

Introduction

Under CEQR, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those which could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide (CO). Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as major industrial processes or heat and hot water boilers of major buildings in close proximity to a proposed project. Both the potential impacts of a proposed project on surrounding buildings and potential impacts of uses in the environs of a proposed sensitive use, such as residences, schools, and hospitals, are considered in the assessment.

Mobile Source

Under guidelines contained in the January 2012 *CEQR Technical Manual*, projects in this area of New York City generating fewer than 170 additional vehicular trips in any given hour are considered as highly unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies. The proposed action would result in the following as related to mobile source air quality concerns:

- An existing legal non-conforming 4,185 square foot restaurant would become conforming under the proposed C1-2 commercial overlay zoning (No Change Site #1). No new floor area would be created. No additional traffic would be generated relative to existing or Future No-Action conditions. Therefore, no additional mobile source emissions would be generated.

- Two existing retail stores totaling 2,956 square feet in floor area would be made conforming under the proposed C1-2 commercial overlay zoning (Potential Sites #s 1 and 2). Under the Future No-Action condition, the existing retail floor area would be converted to community facility space which would result in comparable traffic volumes. No new floor area would be created. Therefore, no significant additional mobile source emissions would be generated.

- 18 existing attended off-street parking spaces would be legalized under the proposed C1-2 commercial overlay zoning (Projected Site # 1). The 18 accessory parking spaces would not exist in the Future No-Action condition. The currently existing 4 accessory parking spaces used for the adjacent residential use would be used as accessory to the commercial use on Lot 6. Under guidelines contained in the January 2012 *CEQR Technical Manual*, projects that would result in parking facilities may require a mobile source analysis. In this area of New York City (Zone 3 – areas located within 0.5 miles of a subway station), a transportation analysis would only be required for off-street parking facilities with 80 or more parking spaces. As the proposed action would result in only 22 attended off-street parking spaces, a transportation analysis would not be needed. As a transportation analysis would not be required for 22 parking spaces, it is assumed that a mobile source air quality analysis would similarly not be needed. In addition, in the absence of the 22 parking spaces on-site, patrons driving to the restaurant would utilize on-street parking spaces and mobile source emissions would essentially be the same.

The project would generate fewer than 170 new vehicle trips at any intersection in the study area during any peak hour. Therefore, no detailed mobile source air quality analysis would be required per the *CEQR Technical Manual,* and no significant mobile source air quality impacts would be generated by proposed action.

Stationary Source

A stationary source analysis would not be required for the proposed action. The existing restaurant is a legal nonconforming use under existing zoning and would remain in the Future No-Action condition. The restaurant would only be made conforming under the proposed C1-2 commercial overlay in the Future With-Action condition. The two existing retail uses, which would not legally be allowed to remain under the existing R5 zoning of the site, would be converted to community facility space in the Future No-Action condition. Under the proposed action, these uses would be converted back to retail use and would be made legal and conforming under the proposed C1-2 commercial overlay. No new floor area would be developed on the project site and no changes would occur to the existing HVAC systems in the subject buildings. Therefore, relative to the Stationary Source screening thresholds contained in the January 2012 *CEQR Technical Manual*, no stationary source screening would be required.

Conclusion

Conditions associated with the project development would not result in any violations of the ambient air quality standards. Therefore, the action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

19. NOISE

Introduction

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those which could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would include unenclosed mechanical equipment for building ventilation purposes.

Mobile Source

Relative to mobile source impacts, a noise analysis would only be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. Vehicles would travel to and from the project site along 42nd Street and 28th Avenue. Both 42nd Street and 28th Avenue are lined with numerous residences as well as several commercial and manufacturing uses, and the effect of project traffic generation on residences located along these streets would therefore be relevant for this assessment.

There would be a minimal increase in vehicular traffic along 42nd Street and 28th Avenue resulting from the proposed action as further discussed below. This increase would not double PCE volumes along these streets and a mobile source noise impact from the proposed action would therefore not occur.

- An existing legal non-conforming 4,185 square foot restaurant would become conforming under the proposed C1-2 commercial overlay zoning (No Change Site #1). No new floor area would be created. No additional traffic would be generated relative to existing or Future No-Action conditions. Therefore, no additional mobile source noise would be generated.

- Two existing retail stores totaling 2,956 square feet in floor area would be made conforming under the proposed C1-2 commercial overlay zoning (Potential Sites #s 1 and 2). Under the Future No-Action condition, the existing retail floor area would be converted to community facility space. In the Future With-Action condition, the community facility space would be converted back to retail space. No new floor area would be created. In this area of New York City (Zone 3 – areas located within 0.5 miles of a subway station), a transportation analysis would be required for 20,000 square feet of new retail floor area or 25,000 square feet of new community facility floor area. These thresholds indicate that retail space generates somewhat greater traffic volumes than community facility space. However, the difference in traffic generation would not be enough to double

traffic volumes along either 42nd Street or 28th Avenue. Therefore, no significant additional mobile source noise would be generated.

- 18 existing attended off-street parking spaces would be legalized under the proposed C1-2 commercial overlay zoning (Projected Site # 1). The 18 accessory parking spaces would not exist in the Future No-Action condition. The currently existing 4 accessory parking spaces used for the adjacent residential use would be used as accessory to the commercial use on Lot 6. In this area of New York City (Zone 3 – areas located within 0.5 miles of a subway station), a transportation analysis would only be required for off-street parking facilities with 80 or more parking spaces. As the proposed action would result in only 22 attended off-street parking spaces, a transportation analysis would not be needed. As a transportation analysis would not be required for 22 parking spaces, a mobile source noise analysis would similarly not be relevant. The difference in traffic generation between the Future No-Action and Future With-Action conditions would not be enough to double traffic volumes along either 42nd Street or 28th Avenue. In addition, in the absence of the 22 parking spaces on-site, patrons driving to the restaurant would utilize on-street parking spaces and mobile source noise generation would essentially be the same.

Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double along either 42nd Street or 28th Avenue due to the proposed project. Therefore, the proposed project would not result in a mobile source noise impact.

Stationary Source

The project would not locate a receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the Proposed Rezoning Area that is also a sensitive receptor. Additionally, the proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. Therefore, the project would not have any potentially adverse stationary source noise impacts.

Conclusion

A detailed noise analysis is not required for the proposed action as the action would only result in the development of commercial uses and would not result in the introduction of sensitive receptors. In addition, the proposed development would not introduce significant mobile or stationary source noise into the surrounding area.

The development that would be facilitated by the proposed rezoning would not have any potentially significant adverse mobile or stationary source noise impacts, and further assessment is not warranted.

APPENDIX A

NYC DEPARTMENT OF BUILDINGS

ECB VIOLATIONS

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ECB Violation Details

Premises: 25-85 42 STREET QUEENS **Filed At: 25-85 42 STREET , QUEENS , NY 11103**

BIN: 4012152 Block: 701 Lot: 9 **Community Board: 401**

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34506588J

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: STIPULATION/IN-VIO
Penalty Balance Due: $0.00

Respondent Information

Name: GIULIANA VLACICH
Mailing Address: 42-01 28 AVENUE , LIC , NY 11103

Violation Details

Violation Date: 12/27/2005
Served Date: 01/12/2006
Violation Type: CONSTRUCTION
Inspection Unit: QUEENS CONSTRUCTION

Infraction Codes	Section of Law	Standard Description
B03	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLOWED BY C. OF O. #37860. NOTED: CHANGE OCCUPANCY FROM: CELLAR (DWELLING, GARAGE) 1ST FLOOR (DWELLING) TO: PARKING LOT AT SITE AND REAR PROPERTY USED BY NEAR RESTAURANT. AT

Issuing Inspector ID: 1913
DOB Violation Number: 122705C01B06
Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

Stipulated Compliance Due Date: 05/13/2006

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 02/28/2006
Hearing Time: 10:30
Hearing Status: STIPULATION/IN-VIO

ECB Penalty Information

Penalty Imposed:	$400.00
Adjustments:	$0.00
Amount Paid:	$400.00
Penalty Balance Due:	$0.00

ECB Violation History

Compliance Events **Hearing Events**

Stipulation (pre-hearing): 02/27/2006

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

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NYC Department of Buildings

ECB Violation Details

Premises: 25-85 42 STREET QUEENS **Filed At: 25-85 42 STREET , QUEENS , NY 11103**

BIN: 4012152 Block: 701 Lot: 9 **Community Board: 401**

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34393794M

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: DEFAULT
Penalty Balance Due: $10,000.00

Respondent Information

Name: VLACICH 25-85 42ND STREET
Mailing Address: 42-01 28 AVENUE , NYC , NY 11103

Violation Details

Violation Date: 09/12/2006 **Violation Type:** CONSTRUCTION
Served Date: 11/30/2006 **Inspection Unit:** SEU

Infraction Codes	Section of Law	Standard Description
B03	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O.NOTED:RESIDENTIAL YARDS & GARAGE AS PER C.O.#37860 CONVERTED TO OUTDOOR PARKING LOT FOR RESTAURANT AT NEARBY PREMISES.9 CARS OBSERVED AT TIME OF INSPECTION.REMED

Issuing Inspector ID: 1733 **DOB Violation Number:** 091206C01RS07
Issued as Aggravated Level: MULTIPLE OFFENSE

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 07/28/2009 **Hearing Status:** DEFAULT
Hearing Time: 8:00

ECB Penalty Information

Penalty Imposed:	$10,000.00
Adjustments:	$0.00
Amount Paid:	$0.00
Penalty Balance Due:	$10,000.00
Court Docket Date:	01/31/2010

ECB Violation History

Compliance Events

Hearing Events

Default:	08/03/2009

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NYC Department of Buildings

ECB Violation Details

Premises: 25-85 42 STREET QUEENS **Filed At: 25-85 42 STREET , QUEENS , NY 11103**

BIN: 4012152 Block: 701 Lot: 9 **Community Board: 401**

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34393795Y

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: DEFAULT
Penalty Balance Due: $2,500.00

Respondent Information

Name: VLACICH 28-85 42ND STREET
Mailing Address: 42-01 28 AVENUE , LIC , NY 11103

Violation Details

Violation Date: 09/12/2006 **Violation Type:** ADMINISTRATIVE
Served Date: 11/30/2006 **Inspection Unit:** SEU

Infraction Codes	Section of Law	Standard Description
B9A	26-126.3(A)	FAIL TO COMPLY WITH COMM'S ORDER TO FILE C OF C WITH DOB VIOL#

Specific Violation Condition(s) and Remedy:

FAILURE TO COMPLY W/THE COMMISSIONERS ORDER TO FILE A CERTIFICATE OF CORRECTION W/THE DOB FOR VIOLATION #34506588J.NOTED:ILLEGALLY CONVERTEDOUTDOOR PARKING LOT REMAINS IN OPERATION & NO CERTIFICATE OF CORRECTIO

Issuing Inspector ID: 1733 **DOB Violation Number:** 091206C01RS08
Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 07/28/2009 **Hearing Status:** DEFAULT
Hearing Time: 8:00

ECB Penalty Information

Penalty Imposed:	$2,500.00
Adjustments:	$0.00
Amount Paid:	$0.00
Penalty Balance Due:	$2,500.00
Court Docket Date:	01/31/2010

ECB Violation History

Compliance Events	**Hearing Events**	
	Default:	08/03/2009

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