DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

September 5, 2012

Robert Kulikowski, Director

Mayor's Office of Environmental Coordination
253 Broadway- 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **28th Avenue Rezoning**
CEQR No. 12DCP003Q
ULURP No. 110398ZMQ
Queens, Community District1
SEQR Classification: Unlisted

The above-referenced application involves a discretionary action subject to City Planning Commission approval. This action is subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

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) from an R5 district to an R5/C1-2 district, in the Astoria neighborhood of Queens, Community District 1. The proposed C1-2 overlay district would be mapped to a depth of 150 feet along the entire 28th Avenue frontage of Block 701. The proposed action would facilitate a proposal by the applicant to legalize the current use of portions of Lots 5 and 9 on Block 701 as accessory parking for the applicant's existing legally non-conforming restaurant on Lot 6, while bringing the ground floor commercial uses in the rezoning area into conformance. The rezoning area is bounded by 42nd Street on the west, 43rd Street on the east, 28th Avenue on the south and a line parallel to and 150 feet north of 28th Avenue on the north.

Robert Dobruskin, AICP, *Director*
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The rezoning area consists of 9 tax lots, of which Lots 5, 6, 9 and 108 are owned by the applicant (Subject Property), and Lots 1, 3, 8, 77 and 78 are non-applicant owned. The applicant owned lots total approximately 13,225 square feet out of the total 30,000 square foot rezoning area. Tax lot 5 is developed with a two-story residential building, lot 6 is developed with a two-story mixed-use building (restaurant on the ground floor, residential above), lot 9 is developed with a two-story residential building and lot 108 is developed with a two-story semi-detached residence. Of the non-applicant owned lots, lot 1 is approximately 4,000 square feet in area, and developed with a four-story mixed used building. Lot 3 is approximately 6,150 square feet in area, and developed with a five-story mixed use building. Lot 8 is approximately 1,500 square feet and developed with a one-story semi-detached residence. 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 is located within an R5 district that allows a maximum FAR of 1.25 with a maximum streetwall height of 30 feet and a maximum building height of 40 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. One parking space is required for each dwelling unit in single-, two- and three-family houses. In multiple dwellings parking is required for 85% of the dwelling units in the building. The proposed C1-2 commercial overly permits commercial uses that include a broad range of retail and service establishments that serve residential neighborhoods. The typical retail uses include grocery stores, restaurants and beauty parlors, catering to the immediate neighborhood. The commercial uses are limited to the first floor in mixed-use buildings with a maximum FAR of 1.0.

Absent the proposed action the non-conforming ground floor commercial uses on Lots 1 and 3 would be converted to community facility use and the existing accessory parking on Lots 5 and 9 for the restaurant would be removed.

The build year date for the proposed project is 2012.

An Environmental Assessment Statement is attached. Please contact Munmun Parmar of the Department of City Planning at (212) 720-3524 if you have any questions regarding the application.

Sincerely,

Celeste Evans

Celeste Evans, Deputy Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc:

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