DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

January 22, 2016

Nilda Mesa
Mayor's Office of Sustainability, City of New York
253 Broadway 7th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **89-55 Queens Boulevard**
CEQR No. 16DCP086Q
ULURP No. 820479BZMQ
Queens, Community District 4
SEQRA 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, Harmen Investment Co., is seeking a modification to an existing Restrictive Declaration (the "Proposed Action") affecting a single site, Block 1846, Lot 1 (the "Project Site"), located in the Elmhurst neighborhood within Queens Community District 4. The Project Site is an irregularly shaped block bounded by Queens Boulevard, 90th Street, and 57th Avenue. The Proposed Action would allow the Applicant to expand an existing commercial building on the Project Site from 10,300 gross square foot (gsf) to 16,221 gsf, and re-tenant the expanded building with Use Group 6 local retail or service establishment uses that are currently prohibited by the Restrictive Declaration.

Additionally, the Applicant intends to seek a future action from the Department of Citywide Administrative Services (DCAS), allowing the Applicant to purchase the unused development rights of a previously demapped 1,971 square foot (sf) portion of Queens Boulevard located adjacent to the Project Site.

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The Project Site is currently zoned R6/C1-4. R6 zoning districts permit residential development on wide streets up to a Floor Area Ratio (FAR) of 2.43 (or 3.0 under the Quality Housing program) and community facility use to an FAR of 4.8. The C1-4 commercial overlay district permits commercial use of up to 2.0 FAR. A Restrictive Declaration recorded against the Project Site supersedes the use regulations of the underlying zoning, precludes certain Use Group 6 local retail and service establishment uses (including dry cleaners, laundries, eating and drinking establishments, food stores, and candy or ice cream stores), and limits the property's development to that shown on an approved site plan. The Project Site is currently developed with an approximately 10,300 gsf commercial building. The building at the site is currently occupied by two retail tenants that are not precluded by the existing Restrictive Declaration.

In 1961, the property was zoned R6, and in 1983 the site was mapped with a C1-4 overlay (C820479 ZMQ). As part of the 1983 rezoning, and in connection with a Restrictive Declaration recorded against the Project Site, a series of uses (including dry cleaners, laundries, eating and drinking establishments, food stores, and candy or ice cream stores), were prohibited from occupying the site. Limitations on the design and operation of the building were incorporated via a site plan attached to the Restrictive Declaration. In 1989, an approximately 1,971 sf portion of Queens Boulevard directly adjacent to the Project Site was demapped. In connection with this proposal, limited rights to the physical use of the demapped area were transferred to the Applicant, and the original site plan attached to the Restrictive Declaration was modified to incorporate the demapped area.

The Proposed Action before the City Planning Commission would amend the previously approved site plan attached to the Restrictive Declaration, and remove use restrictions precluding eating and drinking establishments, food stores, and candy or ice cream stores. The future DCAS application would facilitate the purchase and transfer of the unused development rights of the previously demapped portion of Queens Boulevard. Collectively, the two actions would facilitate a proposal by the Applicant to develop a new two-story, 30-foot tall building containing up to 16,221 gsf of commercial uses currently precluded by the Restrictive Declaration.

Absent the Proposed Action, the project site would remain in its existing condition.

The analysis year for the Proposed Action is 2018.

An Environmental Assessment Statement is attached. Please contact Christopher Lee of the Department of City Planning at (212) 720-3429, if you have any questions regarding the application.

Sincerely,

Olga Abinader, Deputy Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc:

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