CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification
CEQR No. 12DCP003Q
ULURP No. 110398ZMQ
Queens, Community District 1
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

28th Avenue Rezoning

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 use the currently existing parking on portions of Lot 5 and Lot 9 on Block 701 as off-site 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.

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.

The Rezoning Area is located within an R5 district that allows a maximum FAR of 1.25 with a maximum street wall 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 18 illegal 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. The build year date for the proposed project is 2012.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated January 17, 2013, prepared in connection with the ULURP Application (No. 110398ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617. Should you have any questions pertaining to this Negative Declaration, you may contact Munmun Parmar at (212) 720-3524.

Celeste Evans

Date: 1/17/13

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 1/22/13

Amanda M. Burden, FAICP, Chair
City Planning Commission