



**IN THE MATTER OF** an application submitted by Vlacich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th Avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th Avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-578.

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This application (C 190517 ZMQ) for a zoning map amendment was filed by Vlacich LLC. on June 12, 2019. This application, in conjunction with the related application for a zoning text amendment (N 190518 ZRQ), would facilitate the construction of an eight-story mixed-use building located at 42-01 28<sup>th</sup> Avenue in Astoria, Queens, Community District 1.

### **RELATED ACTIONS**

In addition to the zoning map amendment (C 190517 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

**N 190518 ZRQ**      Zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area

## **BACKGROUND**

The applicant seeks a zoning map amendment and zoning text amendment to facilitate the development of a new eight-story mixed-use building with approximately 54 residential units, 16 of which would be permanently affordable units, and an approximately 7,000-square-foot restaurant on the ground floor. The project area is coterminous with the area to be rezoned, and is comprised of portions of two blocks (Block 685, Lots 1, 3, 5, 7, and p/o 10; and Block 701, Lots 5, 6, 8, 108, and 9) with frontage on 28<sup>th</sup> Avenue between 41<sup>st</sup> Street and 43<sup>rd</sup> Street in Astoria. The project area is comprised of the development site (Block 701, Lots 5, 6, 8, 108, and 9), as well as several lots not owned by the applicant (Block 685, Lots 1, 3, 5, 7, and p/o 10) that are not expected to result in development as a result of the proposed actions.

The development site would be developed as a single rectangular zoning lot with a lot area of approximately 14,725 square feet. It has approximately 100 feet of frontage on 28<sup>th</sup> Avenue and 150 feet of frontage on 42<sup>nd</sup> Street. Lot 5 is an approximately 2,333-square-foot interior lot, improved with a two-story residential building and an accessory parking lot for an existing restaurant. Lot 6 is an approximately 4,500-square-foot rectangular corner lot with 75 feet of frontage along 28<sup>th</sup> Avenue and 60 feet of frontage along 42<sup>nd</sup> Street, improved with a two-story mixed-use building occupied by a restaurant on the ground floor. Lot 8 is an approximately 1,500-square-foot interior lot with 20 feet of frontage along 42<sup>nd</sup> Street, improved with a one-story semidetached residence. Lot 9 is an approximately 4,900-square-foot rectangular interior lot with 50 feet of frontage along 42<sup>nd</sup> Street, improved with a two-story residential building and accessory parking for the restaurant. Lot 108 is an approximately 1,500-square-foot rectangular interior lot with 20 feet of frontage along 42<sup>nd</sup> Street, improved with a one-story semidetached residence.

The neighborhood surrounding the project area was predominantly developed with

two- and three-story attached and semi-detached residential buildings between the 1920s and 1940s. Multi-family apartment and mixed-use buildings in the surrounding area range from two to five stories. Multiple houses of worship and schools were built throughout the neighborhood, which was also developed with a commercial corridor along Steinway Street, a wide street with a width of 80 feet. Commercial uses along Steinway Street include local retail, eating and drinking establishments, and local services, including home repair and electrical establishments. Commercial uses are also located along 28<sup>th</sup> Avenue from Steinway Street east to 41<sup>st</sup> Street, including a grocery store, deli, and laundromat. The block further east, starting at 42<sup>nd</sup> Street and extending to 44<sup>th</sup> Street, was developed with additional commercial uses along 28<sup>th</sup> Avenue with local business such as the Astoria Dance Center, a thrift store, law office, shoe repair, and printing services.

The neighborhood is well served by public transit. A bus stop for the Q18 bus is located at the intersection of 30<sup>th</sup> Avenue and Steinway Street, providing service to Maspeth and Astoria. The Q101 bus stop is located along Steinway Street and 28<sup>th</sup> Avenue one block west of the project area, providing service to Midtown Manhattan. The N and W trains runs along 31<sup>st</sup> Street with a subway station located at 30<sup>th</sup> Avenue, approximately 0.6 miles southwest of the project area.

The project area's current zoning was established in 1961 at the time that the modern Zoning Resolution (ZR) was adopted. The ZR mapped residential zoning districts on the blocks within the project area in 1961, with the establishment of an R5 zoning district. R5 districts are lower-density residential district that allow a maximum floor area ratio (FAR) of 1.25 for residential uses, 1.65 for infill development, and 2.0 for community facility uses. The maximum building height in R5 districts is 40 feet.

In 2013, a portion of the project area was rezoned as part of the 28<sup>th</sup> Avenue Rezoning (C 110398 ZMQ), which established a C1-2 commercial overlay within the R5 district on 28th Avenue between 42nd Street and 43rd Street. The rezoning sought to reinforce the commercial character of the street and legalized the existing nonconforming

restaurant.

The eastern boundary of the Department of City Planning's 2010 Astoria Rezoning (C 100199 ZMQ) is located west of the proposed rezoning area between 41st Street and Steinway Street. The Astoria Rezoning intended to protect neighborhood character from out of-scale development, more closely reflect established development patterns, direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources, and provide incentives for the production of affordable housing.

The proposed rezoning would facilitate the development of a new eight-story mixed-use building with approximately 54 dwelling units, 16 of which would be permanently affordable units, and 6,926 square feet of commercial use on the ground floor. The building would have a base height of 45 feet, prior to a setback and a maximum total height of 85 feet. The residential entrance would be located on 28th Avenue and the commercial space would have entrances on both 28<sup>th</sup> Avenue and 42<sup>nd</sup> Street. A total of 66 accessory parking spaces would be provided, 10 of which would be located within a surface parking lot. The remaining 56 spaces would be attended and located in the cellar, accessed by an existing 22-foot curb cut approximately 150 feet north of 28<sup>th</sup> Avenue along 42<sup>nd</sup> Street. The existing restaurant would occupy the ground floor of the proposed development. A 1,800-square-foot green roof would be provided on the roof, for use by the restaurant in the form of an herb garden and for residents of the building.

To facilitate the proposed development, the applicant seeks a zoning map amendment to change the zoning district from R5 and R5/C1-2 to R6A and R6A/C1-2. R6A districts are medium-density residential zoning districts that allow a maximum residential FAR of 3.6 within an MIH area and a maximum building height of 85 feet with a qualifying ground floor. The proposed R6A district would also bring into compliance existing overbuilt buildings within the project area, with FARs ranging from 3.07 to 3.49.

The proposed text amendment would designate the project area as an MIH area, and any new residential developments and enlargements would be required to comply with MIH Options 1 or 2. The applicant intends to pursue Option 2 for the proposed development. Option 1 requires that at least 25 percent of residential floor area be reserved for permanently affordable housing at an average of no more than 60 percent of the area median income (AMI), including a ten percent band at 40 percent of AMI. Option 2 requires that at least 30 percent of residential floor area be reserved for permanently affordable housing at an average of no more than 80 percent of AMI.

### **ENVIRONMENTAL REVIEW**

This application (C 190517 ZMQ), in conjunction with the related application for a text amendment (N 190518 ZRQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 20DCP043Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 14, 2020. To support the Negative Declaration, an (E) designation (E-578) related to hazardous materials, air quality, and noise would be established in connection with the proposed action. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 190517 ZMQ) was certified as complete by the Department of City Planning on September 14, 2020, and duly referred to Queens Community Board 1 and the Queens Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 190518 ZRQ), which was referred for information and review in

accordance with the procedures for non-Uniform Land use Review Procedure (ULURP) matters.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 190517 ZMQ) and the related application for a zoning text amendment (N 190518 ZRQ) on October 20, 2020 and on that date, by a vote of 30 in favor, none opposed and three abstaining, recommended approval of the application with the conditions:

- “ 1. that the maximum building height should be no higher than six stories and
2. income tiers for the permanently affordable units will be pursuant to MIH Option 1.”

### **Borough President Recommendation**

The Queens Borough President held a public hearing on the application (C 190517 ZMQ) on November 12, 2020 and, on November 20, 2020, issued a recommendation to approve the application “based on the applicant’s revision of the project, as suggested by Queens Community Board 1.”

### **City Planning Commission Public Hearing**

On December 2, 2020 (Calendar No. 3), the Commission scheduled December 16, 2020 for a public hearing on this application (C 190517 ZMQ). The hearing was duly held on December 16, 2020 (Calendar No. 14). There were two speakers in favor of the application.

The applicant’s representative provided a summary of the requested action and explained revisions in response to the community’s concerns related to building height, unit distribution, affordability levels, parking and sustainability. The applicant’s representative stated that the illustrative plans had been revised to reflect a reduction in building height from eight stories to six stories in order to reflect the existing built context along 28<sup>th</sup> Avenue, resulting in 51 dwelling units. The representative also committed to developing pursuant to MIH Option 1, which would provide 13

permanently affordable units. In response to the Community Board's concerns about the size of the proposed units, the representative noted that the number of units in the proposed development had been revised from a mix of 21 studios, 16 one-bedrooms, and 17 two-bedrooms to a mix of 5 studios, 23 one-bedrooms, and 23 two-bedroom units.

The owner of the existing restaurant spoke in support of the development, providing an overview of the relocation plan for the establishment.

There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this application (C 190517 ZMQ) for a zoning map amendment, in conjunction with the related application for a zoning text amendment (N 190518 ZRQ), is appropriate.

The project area is located in a predominantly residential neighborhood, and proximate to a subway station and two bus stops. The establishment of an R6A zoning district on the north side of 28<sup>th</sup> Avenue between Beach 41<sup>st</sup> and 43rd streets is well suited to accommodate residential uses that will complement existing residential buildings on the block. The existing commercial overlay would remain and would allow the established restaurant to continue operations and ensure that a non-residential ground floor is required.

The Commission acknowledges that overbuilt residential buildings within the project area will be brought into compliance with the Zoning Resolution. An R6A zoning district will allow heights comparable to the existing five-story residential building along 28<sup>th</sup> Avenue.

The proposed text amendment to designate the R6A zoning district as an MIH area is appropriate. The designation is consistent with the City's policy objectives for promoting

the development of affordable housing across the city, particularly in areas well served by transit. Further, the Commission supports the development of new affordable housing in a neighborhood with a significant need for income-restricted units.

Regarding the Community Board and Borough President's concerns with MIH Option 2, the MIH program is designed with the flexibility to meet the needs of the neighborhoods with a wide range of income levels and market conditions. All options in the MIH program establish a minimum level of affordability. The options proposed, MIH Option 1 and MIH Option 2, would both support the economic diversity by requiring units be permanently affordable to significant segments of New York City households. Several members of the Commission agree with the Community Board and Borough President recommendation to eliminate MIH Option 2 and to comply with MIH Option 1. The Commission notes that the applicant has agreed to this revision in a letter to the Community Board dated October 16, 2020.

The Commission acknowledges the recommendation of Queens Community Board 1 and the Queens Borough President requesting that the proposed development not exceed six stories. Although the Commission recognizes that the application is for a zoning map amendment and not for the review of a specific site plan, the Commission notes that the applicant has agreed to such revisions and has provided illustrative plans that comply with this request.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on August 14, 2020 with respect to this application (CEQR No. 20DCP043Q), the City Planning Commission finds that the action described herein will have no significant impact on the quality of the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and



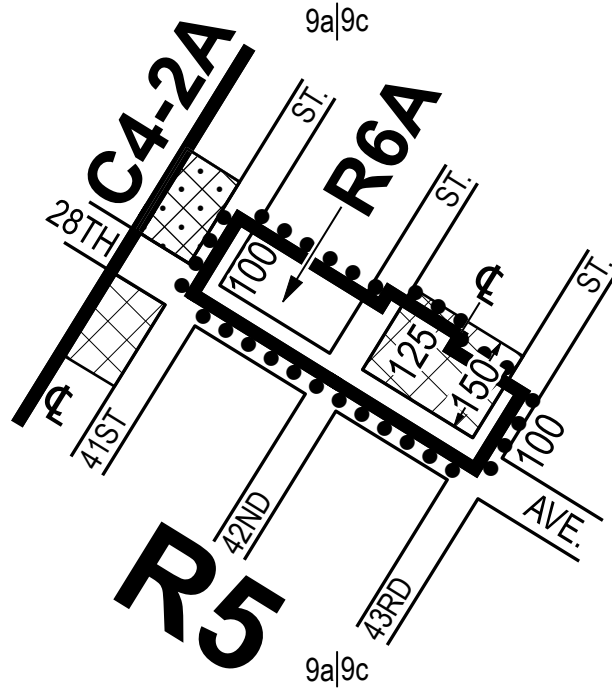
consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th Avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th Avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street; and 28th Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-578.

The above resolution (C 190517 ZMQ), duly adopted by the City Planning Commission on January 20, 2021 (Calendar No. 13) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, Esq.**, *Vice-Chairman*  
**DAVID J. BURNEY, FAIA; ALLEN P. CAPPELLI, Esq.**,  
**ALFRED C. CERULLO, III, MICHELLE de la UZ,**  
**RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARISA ORTIZ** *Commissioners*

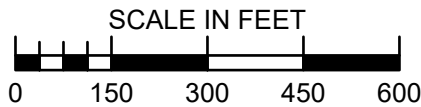


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**9a & 9c**  
 BOROUGH OF  
**QUEENS**



New York, Certification Date:  
 September 14, 2020

S. Lenard, Director  
 Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned by changing an existing R5 District to an R6A District.
- Indicates a C1-2 District
- Indicates a C2-2 District



# City of New York Community Board #1, Queens

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*Acting Borough President, Queens*  
Vicky Morales  
*Director, Community Boards*  
Marie Tomiali  
*Chairperson*  
Florence Koulouris  
*District Manager*

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*Executive Secretary*  
Thomas Ryan  
*Sergeant-at-Arms*

October 28, 2020

Honorable Marisa Lago  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

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RE: **C190517 ZMQ and N190518 ZRQ 42-01 28<sup>th</sup> Avenue Rezoning (Piccola Venezia)**  
a) Rezone 12 tax lots from R5 and R5/C1-2 to R6A and R6A/C1-2 located on the north side of 28<sup>th</sup> Avenue between 41<sup>st</sup> and 43<sup>rd</sup> streets and  
b) Amend Appendix F of the Zoning Resolution to establish the Project Area as a Mandatory Inclusionary Housing Area under MIH Option 1 and Option 2.

Dear Chair Lago,

On October 20, 2020, Community Board 1 Queens (CB1Q) held a duly advertised virtual public hearing on the referenced applications. After two speakers in support of the project and a report from the Land Use and Zoning Committee, the Board voted to conditionally approve the applications with 30 in favor, 0 opposed and 3 not voting for cause. The approval is conditioned on the following:

- 1) the maximum building height should be no higher than six stories and
- 2) income tiers for the permanently affordable units will be pursuant to MIH Option 1.

### Proposed Development

The applications, submitted by Vlacich LLC, were certified by the City Planning Commission on September 4, 2020. If approved, the actions as proposed would facilitate construction of an 8-story (85') mixed-use building with 51,463 SF (3.5 FAR); a total of 54 dwelling units including 16 permanently affordable units under Option 2; a 6,920 SF ground floor restaurant and 66 parking spaces (10 on-grade and 56 spaces in cellar garage). Nineteen spaces are required by zoning accessory to the residential use. A landscaped rooftop sitting area would be provided for the tenants and an herb garden for the restaurant.

### Committee Review and Comments

The rezoning applications were reviewed and discussed at two Land Use Committee meetings (March 4 and October 7) when issues were raised about the size of the proposed building, the apartment mix, affordability levels and parking.

- An eight-story building is too high. The proposed building should be a lower, more contextual building since the surrounding side streets are predominantly developed with two-, three- and four-story buildings with a few five-story walk-ups on the avenue that were built before 1961 when the R5 district was first mapped;
- There are too many studios and not enough larger apartments for families in the apartment mix;
- Option 2 income tiers are too high for the area's working families. Use Option 1 to provide MIH units with deeper affordability income levels;
- Projected high rental costs will soon strip away rent stabilization protection for those units not covered by the MIH program;
- Comments about the large number of parking spaces (66 total) were made both in support and opposition: 47 spaces are provided beyond the 19 required by zoning and only 10 on-grade spaces are designated for restaurant patrons. Questions were asked whether the excess spaces will become a commercial garage;
- Current traffic congestion and parking complaints are high due to double parking on side streets and avenue by valets during peak hours; question whether the size of the new restaurant will cause more congestion;
- On-grade parking lot should use permeable construction materials to absorb storm water runoff.

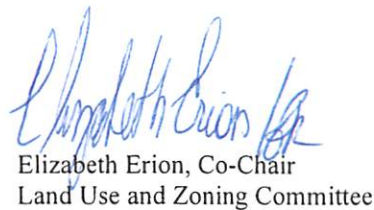
In a letter to the Board dated October 16, 2020, the Applicant outlined changes to the proposed development in response to some of the issues raised during project review:

- The building was redesigned, and its height reduced to be contextual with the pre-1961 development and the area's surrounding character;
- Option 1 income tiers would be used for the MIH component;
- Studio apartments were reduced from 21 to 5; one-bedroom apartments were increased from 16 to 23 and two-bedroom apartments increased from 17 to 23.

CB1Q acknowledges the Applicant's response and these positive changes, however, the Board is also aware that a revised application had not been filed with the Commission to reflect the changes. The Board looks forward to hearing when revisions are filed and will monitor traffic congestion and parking issues more closely when the new restaurant and building are open.

Sincerely,

  
Marie Torniali  
Chair

  
Elizabeth Erion, Co-Chair  
Land Use and Zoning Committee

cc: Honorable Sharon Lee, Acting Queens Borough President  
Honorable Michael Gianaris  
Honorable Jessica Ramos  
Honorable Aravella Simotas  
Honorable Catherine Nolan  
Honorable Brian Barnwell  
Honorable Costa Constantinides  
Honorable Jimmy Van Bramer  
Mr. Irving Poy, Director, Land Use, BPQ  
Mr. John Young, Director, Queens Office DCP  
Ms. Joy Chen, DCP Planner  
Ms. Hallah Saleh, DCP Planner  
Ms. Jaclyn Calcagno Scarinci, Akerman LLP  
Mr. Steven Sinacori, Akerman LLP  
Mr. Jordan Press, Constantinople & Vallone Consulting, LLC

# Queens Borough President Recommendation

**APPLICATION: ULURP #190517 ZMQ**

**COMMUNITY BOARD: Q01**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Vlacich LLC pursuant to Sections 17-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42<sup>nd</sup> Street, a line 150 feet northeasterly of 28<sup>th</sup> Avenue, 43<sup>rd</sup> Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, a line midway between 42<sup>nd</sup> Street and 43<sup>rd</sup> Street, and a line 125 feet northeasterly of 28<sup>th</sup> Avenue;
2. changing from an R5 District to an R6A District property bounded by 41<sup>st</sup> Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, 42<sup>nd</sup> Street, a line 125 feet northeasterly of 28<sup>th</sup> Avenue, a line midway between 42<sup>nd</sup> Street and 43<sup>rd</sup> Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, 43<sup>rd</sup> Street; and 28<sup>th</sup> Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42<sup>nd</sup> Street, a line 125 feet northeasterly of 28<sup>th</sup> Avenue, a line midway between 42<sup>nd</sup> Street and 43<sup>rd</sup> Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, 43<sup>rd</sup> Street; and 28<sup>th</sup> Avenue (Related ULURP #190518 ZRQ);

## PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, November 12, 2020 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 no other speakers. 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 applicant is proposing a zoning map amendment affecting Block 685 (Lots 1, 3, 5, 7 and p/o 10) and Block 701 (Lots 1, 3, 5, 6, 8, 108 and p/o 9) that would rezone the existing R5 and R5/C1-2 Districts to R6A and R6A/C1-2 Districts. The existing C1-2 overlay mapped to a depth of 150 feet would also be reduced to 125 feet and 100 feet;
- The applicant has filed another application (ULURP #190518 ZRQ) concurrently under review that proposes amendment of Appendix F of the NYC Zoning Resolution establishing and mapping the area to be rezoned as a Mandatory Inclusionary Housing (MIH) Area;
- The proposed development site (Block 701 Lots 5, 6, 8, 108 & p/o 9) 42-01 28<sup>th</sup> Avenue is located on the western corner of Block 701 on the corner of 28<sup>th</sup> Avenue and 42<sup>nd</sup> Street. The original proposal was for an 8-story, 51,463 SF mixed use building with 54 residential units including 16 permanently affordable units pursuant to Mandatory Inclusionary Housing requirements, with a base height of 45 feet and then with setbacks (10 feet along 28<sup>th</sup> Avenue and 15 feet along 42<sup>nd</sup> Street) before rising to a height of 85 feet, and provision of 66 parking spaces. This proposal provided 21 studios, 16 one-bedroom and 17 two-bedroom units. The 16 affordable units were to be offered under MIH Option 2 (30% @ 80% AMI). The new building would also have 6920 SF of replacement space for the restaurant that currently exists on the site and 66 parking spaces;
- Based on feedback received at meetings with the Community Board 1 (CB 1) Land Use Committee, the applicant revised the project according to suggested changes. The revised project would be a 6-story, 44,568 SF mixed-use building requiring no setbacks, 51 units of housing including 13 permanently affordable units with MIH Option 1 (25% @ 60% AMI). The proposed sizes of the apartments has also been revised with 5 studio units, 23 one-bedroom and 23 two-bedroom units at the suggestion of the CB 1 Land Use Committee. The 6920 sf ground floor restaurant space and 66 parking spaces are unchanged. Of the proposed 66 parking spaces, 19 are required by zoning and the remaining 47 spaces are in addition to the number of required parking spaces. The revised project was submitted to CB 1 in a letter dated October 16, 2020;
- The development site has been occupied by the applicant's restaurant (Block 701, Lot 6) on the ground floor within a 2-story mixed use building since 1973, the restaurant's accessory surface parking lot (Block 701 p/o Lots 5 and 9) and one-story residential buildings (Lots 8 and 108). The eastern portion of the block (Lots 1 and 3) are not included in the construction plan and are developed respectively with a five-story and four-story apartment building. The buildings between 41<sup>st</sup> and 42<sup>nd</sup> Street on 28<sup>th</sup> Avenue are overbuilt and do not comply with the existing zoning – the proposed rezoning would bring these buildings into better compliance;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #190517 ZMQ**

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- Development within a 600-foot radius around the rezoning area is characterized by residential uses on the midblocks in one-, two-, and multi-family residences. Steinway Street and 28th Avenue are developed with mixed-use and commercial buildings. Residential and mixed-use buildings range from two to five-stories in height while commercial buildings range from one- to two- stories. To the west of the rezoning area, there are contextual C4-2A (R6A equivalent), R6A, R6B, and R5B Districts established during the 2010 Astoria Rezoning. There is one community facility in the surrounding area, St. Joseph Roman Catholic Church, located on 30th Avenue between 43rd and 44th Street. Overall, the proposed site is well served by public transit such as the Q18, Q101, and the N and W subway lines;
- Community Board 1 (CB 1) approved this application with conditions by a vote of thirty (30) in favor, none (0) against and three (3) abstentions at the monthly meeting held on October 20, 2020. CB 1 noted that though the developer has submitted a letter committing to their recommended revisions, the application has not been formally revised and filed with the City Planning Commission therefore the approval would be conditional. CB 1's conditions were as follows;
  1. The maximum building height should be no more than six-stories; and
  2. The permanently affordable units should be pursuant to MIH Option 1
- At the Borough President's Land Use Public Hearing, the applicants reiterated their commitment to revise the project as suggested by CB 1. There were no other speakers on the application.

**RECOMMENDATION**

Based on the above considerations, I hereby recommend approval of this application based on the applicant's revision of the project as suggested by Queens Community Board 1.



**PRESIDENT, BOROUGH OF QUEENS**



**DATE**

# Queens Borough President Recommendation

**APPLICATION: ULURP #190518 ZRQ**

**COMMUNITY BOARD: Q01**

## DOCKET DESCRIPTION

IN THE MATTER OF an application filed by Vlacich LLC pursuant to Sections 200 and 201 of the New York City Charter, to amend Appendix F of the New York City Zoning Resolution establishing and mapping the area to be rezoned as a Mandatory Inclusionary Housing Area in Corona, Community District 1, Borough of Queens. (Related application ULURP #190517 ZMQ)

## PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, November 12, 2020 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 no other speakers. 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:

- This application was filed for a zoning text amendment to Appendix F to establish and map an area to be rezoned as a Mandatory Inclusionary Housing (MIH) Area;
- The applicant has filed another application (ULURP #190517 ZMQ) concurrently under review that proposes a zoning map amendment affecting Block 685 (Lots 1, 3, 5, 7 and p/o 10) and Block 701 (Lots 1, 3, 5, 6, 8, 108 and p/o 9) that would rezone the existing R5 and R5/C1-2 Districts to R6A and R6A/C1-2 Districts. The existing C1-2 overlay mapped to a depth of 150 feet would also be reduced to 125 feet and 100 feet;
- The proposed development site (Block 701 Lots 5, 6, 8, 108 & p/o 9) 42-01 28<sup>th</sup> Avenue is located on the western corner of Block 701 on the corner of 28<sup>th</sup> Avenue and 42<sup>nd</sup> Street. The original proposal was for an 8-story, 51,463 SF mixed use building with 54 residential units including 16 permanently affordable units pursuant to Mandatory Inclusionary Housing requirements, with a base height of 45 feet and then with setbacks (10 feet along 28th Avenue and 15 feet along 42nd Street) before rising to a height of 85 feet, and provision of 66 parking spaces. This proposal provided 21 studios, 16 one-bedroom and 17 two-bedroom units. The 16 affordable units were to be offered under MIH Option 2 (30% @ 80% AMI). The new building would also have 6920 SF of replacement space for the restaurant that currently exists on the site and 66 parking spaces;
- Based on feedback received at meetings with the Community Board 1 (CB 1) Land Use Committee, the applicant revised the project according to suggested changes. The revised project would be a 6-story, 44,568 SF mixed-use building requiring no setbacks, 51 units of housing including 13 permanently affordable units with MIH Option 1 (25% @ 60% AMI). The proposed sizes of the apartments has also been revised with 5 studio units, 23 one-bedroom and 23 two-bedroom units at the suggestion of the CB 1 Land Use Committee. The 6920 sf ground floor restaurant space and 66 parking spaces are unchanged. Of the proposed 66 parking spaces, 19 are required by zoning and the remaining 47 spaces are in addition to the number of required parking spaces. The revised project was submitted to CB 1 in a letter dated October 16, 2020;
- The development site has been occupied by the applicant's restaurant (Block 701, Lot 6) on the ground floor within a 2-story mixed use building since 1973, the restaurant's accessory surface parking lot (Block 701 p/o Lots 5 and 9) and one-story residential buildings (Lots 8 and 108). The eastern portion of the block (Lots 1 and 3) are not included in the construction plan and are developed respectively with a five-story and four-story apartment building. The buildings between 41<sup>st</sup> and 42<sup>nd</sup> Street on 28<sup>th</sup> Avenue are overbuilt and do not comply with the existing zoning – the proposed rezoning would bring these buildings into better compliance;
- Development within a 600-foot radius around the rezoning area is characterized by residential uses on the midblocks in one-, two-, and multi-family residences. Steinway Street and 28th Avenue are developed with mixed-use and commercial buildings. Residential and mixed-use buildings range from two to five-stories in height while commercial buildings range from one- to two- stories. To the west of the rezoning area, there are contextual C4-2A (R6A equivalent), R6A, R6B, and R5B Districts established during the 2010 Astoria Rezoning. There is one community facility in the surrounding area, St. Joseph Roman Catholic Church, located on 30th Avenue between 43rd and 44th Street. Overall, the proposed site is well served by public transit such as the Q18, Q101, and the N and W subway lines;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**  
**ULURP #190518 ZRQ**  
**Page two of two**

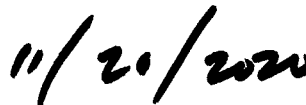
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- At the Borough President's Land Use Public Hearing, the applicants reiterated their commitment to revise the project as suggested by CB 1. There were no other speakers on the application.

**RECOMMENDATION**

Based on the above considerations, I hereby recommend approval of this application based on the applicant's revision of the project as suggested by Queens Community Board 1.



**PRESIDENT, BOROUGH OF QUEENS**



**DATE**