



CITY PLANNING COMMISSION

May 8, 2013 / Calendar No. 5

C 110398 ZMQ

IN THE MATTER OF an application submitted by Vlacich, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, as shown in a diagram (for illustrative purposes only) dated January 22, 201, Borough of Queens, Community District 1.

This application for an amendment of the zoning map to establish a C1-2 commercial district within an existing R5 zoning district by a depth of 150-feet along the entire frontage of 28th Avenue between 42nd and 43rd streets, was filed on June 27, 2011 by Vllacich, LLC to legalize an accessory parking lot (Block 701, Lots 5 and 9) in Astoria, Queens Community District 1.

BACKGROUND

The applicant is proposing a change in the zoning map to establish a C1-2 (R5) district, 150-feet in depth, along the entire northern frontage of 28th Avenue between 42nd and 43rd streets (Block 701, Lots 1, 3, 5, 6, 8, 9, 77, 78 and 108). The area to be rezoned is currently zoned R5 and is predominately developed with mixed-use buildings containing non-conforming ground floor commercial and neighborhood retail uses with residences above and residential buildings.

Within the rezoning area, the applicant owns four lots (Block 701, Lots 5, 6, 9 and 108) which are occupied by a two-story residential building (Lot 5), two-story mixed-use building with a non-conforming ground floor restaurant (Lot 6), another 2-story residential building (Lot 9), and a 1-story semi-detached home (Lot 108). The open areas on Lots 5 and 9, not occupied by residential buildings, have been paved for accessory parking for the restaurant use on Lot 6. The parking lot is attended and provides 22 accessory parking spaces which are accessed from 42nd Street. Three of the residential tenants also have dedicated self-park spaces within the lot. Accessory commercial parking is not permitted in the R5 zone and DOB has issued a violation for the restaurant parking. The proposed rezoning to establish the C1-2 district would legalize the open accessory parking and bring the existing non-conforming retail uses along 28th Avenue into conformance.

Other buildings within the rezoning area, not owned by the applicant, include a 1-story semi-detached house (Lot 8), 5-story mixed-use building with ground floor retail use (Lot 3), a 4-story mixed-use building (Lot 1), a 3-story residential building (Lot 77) and another 3-story residential building (Lot 78). The remainder of the block, outside the rezoning area, is developed with mostly attached and semi-detached 2- and 3-story residential buildings and a few 4-story multiple dwellings. To the west of the rezoning area, there is an existing C2-2 overlay on the north side of 28th Ave and 41st Street, and a 150' deep existing C1-2 overlay on the south side of 28th Ave. and 41st Street.

The current R5 zoning district permits a variety of medium-density housing types with a maximum FAR of 1.25 and a maximum community facility FAR of 2.0. The maximum height permitted for a residential building is 40 feet, with a maximum street wall height of 30 feet and a setback of 15 feet. For buildings utilizing the optional regulations applicable to predominately built-up areas, the maximum height permitted is 33 feet, with a maximum street wall height of 30 feet. Commercial uses are not permitted as-of-right.

The proposed C1-2 commercial overlay would permit commercial and mixed-use development as well as residential (R5) use, with a maximum commercial FAR of 1.0. In a mixed-use building, the commercial uses would be limited to one or two floors, and must be located below any residential uses in the same building. The C1-2 commercial district allows local retail and service businesses such as beauty salons and restaurants (Use Group 6).

ENVIRONMENTAL REVIEW

This application (C 110398 ZMQ), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 12DCP003Q. The lead is the City Planning Commission (CPC).

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on January 22, 2013.

UNIFORM LAND USE REVIEW

The application (C 110398 ZMQ) was certified as complete by the Department of City Planning on January 22, 2013 and was 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).

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 110398 ZMQ) on February 19, 2013, and on that date, by a vote of 31 in favor, 3 opposed and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (C 110398 ZMQ) was considered by the President of the Borough of Queens, who issued a recommendation approving the application on March 14, 2013.

City Planning Commission Public Hearing

On March 20, 2013 (Calendar No. 4), the City Planning Commission scheduled April 10, 2013 for a public hearing on the application (C 110398 ZMQ). The hearing was duly held on April 10, 2013 (Calendar No 20).

There were no speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 110398 ZMQ) is appropriate.

The proposed rezoning would reinforce the already commercial character of this stretch of 28th Avenue and legalize portions of Lots 5 and 9 on Block 701 as parking for a legally non-

conforming restaurant on Lot 6. Other ground floor restaurants, stores, barber shops and other local retail uses can be found on 28th Avenue between 41st and 43rd Streets and on Steinway Street, a main commercial thoroughfare a block and a half away. So in addition to these properties, other legally non-conforming commercial uses on the block would also become conforming.

The Commission believes that this area of Astoria is predominately mixed-use and a 150 feet deep C1-2 commercial overlay in an existing R5 District on 28th Ave. between 42nd and 43rd Streets in Astoria, is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on 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 the consideration and findings described in this report, the Zoning Resolution, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9c, establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, as shown in a diagram (for illustrative purposes only) dated January 22, 2013.

The above resolution (C 113098 ZMQ), duly adopted by the City Planning Commission on May 8, 2013 (Calendar No. 5), 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.

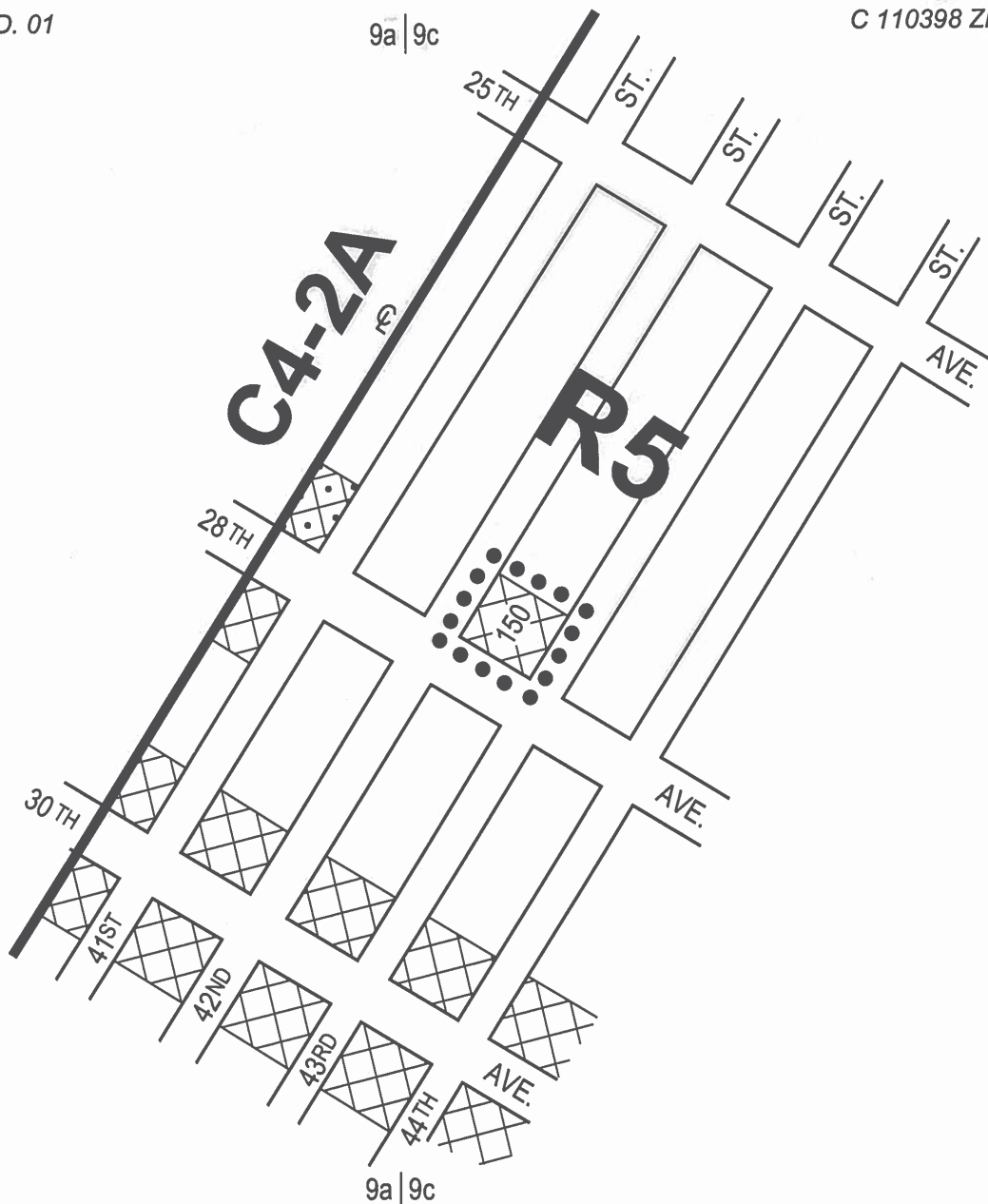
AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,

MARIA M. DEL TORO, JOSEPH DOUEK, ANNA HAYES LEVIN, ORLANDO MARÍN,
Commissioners



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

New York, Certification Date
JANUARY 22, 2013

James Miraglia

James Miraglia, Director
Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be changed by establishing a C1-2 District within an existing R5 District.
- Indicates a C1-2 District.
- Indicates a C2-2 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C110398 ZMQ**

Project Name: **28th Avenue Rezoning**

CEQR Number: **12DCP003Q**

Borough(s): **Queens**

Community District Number(s): **1**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Vlacich, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, by establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, Borough of Queens, Community District 1, as shown in a diagram (for illustrative purposes only) dated January 22, 2013.

Applicant(s): Vlacich, LLC 25-85 42nd Street Astoria, NY 11110		Applicant's Representative: Richard Lobel, Esq. Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017	
Recommendation submitted by: Community Board 1, Q			
Date of public hearing: 2/19/13		Location: Astoria World Manor 25-22 Astoria Blvd, Queens	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 2/19/13		Location: Astoria World Manor	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 31		# Against: 3 # Abstaining: 0 Total members appointed to the board: 50	
Name of CB/BB officer completing this form Vinicio Donatello		Title Chairperson	Date 2/20/19

Queens Borough President Recommendation

APPLICATION: ULURP# 110398 ZMQ

COMMUNITY BOARD: Q01

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of Vlacich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9c, by establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue and 42nd Street, Borough of Queens, Community District 1, as shown in a diagram (for illustrative purposes only) dated January 22, 2013.
Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, March 14, 2013, 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 to map a 150 feet deep C1-2 overlay in an existing R5 District on 28th Avenue between 42nd and 43rd Streets in Astoria;
- The proposed rezoning would legalize portions of Lots 5 and 9 on Block 701 as parking for a legally non-conforming restaurant on Lot 6. In addition to these properties other legally non-conforming commercial uses on the block would also be legalized;
- This area of Astoria is developed with medium density buildings. Many of the buildings in the area have ground floor commercial uses with residences above.
- Community Board 1 approved this application by a vote of thirty-one (31) in favor with three (3) opposed and none (0) abstaining at a public hearing held on February 19, 2013.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.