



August 22, 2018 / Calendar No. 22

C 180304 ZMQ

IN THE MATTER OF an application submitted by Opos Sou Kapnisi, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No.18a:

1. establishing within an existing R4-1 District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Lefferts Boulevard, a line 500 feet northwesterly of 107th Avenue, and a line midway between Lefferts Boulevard and 118th Street; and
2. establishing within an existing R6A District a C2-3 District bounded by a line 540 feet northwesterly of 107th Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Liberty Avenue, and a line midway between Lefferts Boulevard and 118th Street;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 7, 2018.

This application (C 180304 ZMQ) for a zoning map amendment was filed by Opos Sou Kapnisi, Inc. on March 28, 2018 to establish a C2-3 commercial district over two lots within existing R4-1 and R6A zoning districts along Lefferts Boulevard in the Ozone Park neighborhood of Queens, Community District 10. The proposed action would facilitate the development of a new one-story commercial building and would bring another existing commercial use into conformance.

BACKGROUND

The applicant, Opos Sou Kapnisi, Inc., proposes a zoning map amendment to extend an existing C2-3 commercial overlay over two lots in existing R4-1 and R6A districts on Lefferts Boulevard, near the intersection of Liberty Avenue, in Ozone Park. Each lot comprises approximately 1,900 square feet, and each is developed with a two-story semi-detached building. Lot 10, the development site, is occupied by a two-story frame dwelling and Lot 11 is a non-conforming commercial building with a real estate and tax

office on the ground floor.

The proposed rezoning area was once located within the boundaries of a C4-2 district mapped to a depth of 200 feet on the south side of Liberty Avenue, and to depths of 200 feet to 300 feet on the north side. In 2013, the properties were rezoned as part of the Ozone Park Rezoning (C 140079 ZMQ), a 530-block comprehensive strategy intended to prevent out-of-character development while directing new residential and mixed-use development to locations along the area's main commercial corridors and near mass transit resources. The Ozone Park Rezoning changed the commercial district on Liberty Avenue to C2-3 commercial overlays, generally mapped to a depth of 100 feet on the south side on Liberty Avenue and depths of 100 feet or more along the north side of Liberty Avenue. Most of the applicant's property (Lot 10) and the adjacent lot (Lot 11) were mapped within an R4-1 district, though a small portion of Lot 10 was mapped with an R6A district.

Lefferts Boulevard, which is 80 feet wide, is classified as a wide street (more than 75 feet wide) in the Zoning Resolution. Liberty Avenue is a major commercial street predominantly developed with two- and three-story buildings with ground floor retail and service uses, and, in some instances, commercial uses on the upper floors. The Ozone Park/Lefferts Boulevard subway station is located just east of Lefferts Boulevard and is the terminus of the A line, which runs on elevated tracks along Liberty Avenue. A three-story mixed-use commercial and residential building is located on the corner of Liberty Avenue and Lefferts Boulevard. A jewelry store and cell phone store are south of this building on Lefferts Boulevard within the C2-3 district. The rezoning area is adjacent to the cell phone store. Directly across Lefferts Boulevard from the site, within the C2-3 district, are semi-detached houses currently occupied by medical offices. The C2-3 district also encompasses the two lots directly behind the proposed rezoning area.

The proposed zoning map amendment would extend the C2-3 commercial overlay 40 feet southward, to encompass the rezoning area. The proposed action would facilitate the development of a one-story commercial building on the development site. The

building would consist of approximately 1,547 square feet of commercial space on the first floor and approximately 803 square feet of accessory storage in the cellar. The proposed development would be built with a maximum floor area ratio (FAR) of 1.0. No parking is proposed, as parking requirements are waived for commercial uses within the C2-3 district when the required number of parking spaces is less than 25. The proposed C2-3 commercial overlay would also bring the commercial use on the adjacent lot into conformance with zoning.

ENVIRONMENTAL REVIEW

This application (C 180304 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP117Q. 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 May 7, 2018. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

UNIFORM LAND USE REVIEW

This application (C 180304 ZMQ) was certified as complete by the Department of City Planning on May 7, 2018, and was duly referred to Queens Community Board 10 and the 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 10 held a public hearing on this application (C 180304 ZMQ) on June 7, 2018 and on that date, by a vote of 31 in favor, with none opposed and no abstentions, adopted a resolution recommending approval of the application with the following condition:

“If there is now a party driveway recorded easement between the properties on Lots 11 and 12, that it be noted and be required to be maintained on Lot 11. If there is not now such a recorded easement, a new easement be required to be recorded between the owners of Lots 11 and 12.”

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 180304 ZMQ) on June 21, 2018, and on June 27, 2018 issued a recommendation to approve the application with the following condition:

“The applicant makes a commitment that any future development on 104-14 Lefferts Boulevard does not encroach on the shared driveway.”

City Planning Commission Public Hearing

On July 11, 2018 (Calendar No. 11), the Commission scheduled July 25, 2018 for a public hearing on this application (C 180304 ZMQ). The hearing was duly held on July 25, 2018 (Calendar No. 32). One speaker testified in favor of the application.

The applicant’s representative provided a summary of the requested action and described the site, stating that the easement for the shared driveway between Lots 11 and 12 was memorialized in the deed.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180304 ZMQ), is appropriate.

The proposed C2-3 overlay rezoning would facilitate the development of a single-story commercial building containing 2,350 square feet and make an existing commercial use conforming along Lefferts Boulevard, a primary street within the Ozone Park neighborhood of Queens.

The extension of the C2-3 district along Lefferts Boulevard is appropriate due to its classification as a wide street (80 feet) and its proximity to existing nearby commercial uses along the Liberty Avenue as well as commercial uses directly behind the rezoning area and on the east side of Lefferts Boulevard. The proposed zoning change will support commercial growth in the area consistent with the goal of the 2013 Ozone Park Rezoning to direct commercial development along wide streets and transit resources.

The Commission believes that the fine tuning of this zoning boundary line was overlooked in the 530-block Ozone Park Rezoning, and the Commission notes that this zoning change will create a boundary line consistent with the existing C2-3 district across the street and behind the proposed rezoning area.

The Commission acknowledges the recommendation of Queens Community Board 10 and Borough President that any future redevelopment of 104-14 Lefferts Boulevard (Lot 11) should not encroach in the existing commercial driveway. The Commission notes that, at the public hearing, the applicant's representative stated that the shared driveway is memorialized in the property deed and would remain upon future development of the lot.

RESOLUTION

RESOLVED, that 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, 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 hereby amended by changing the Zoning Map, Section No. 18a:

1. establishing within an existing R4-1 District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Lefferts Boulevard, a line 500 feet

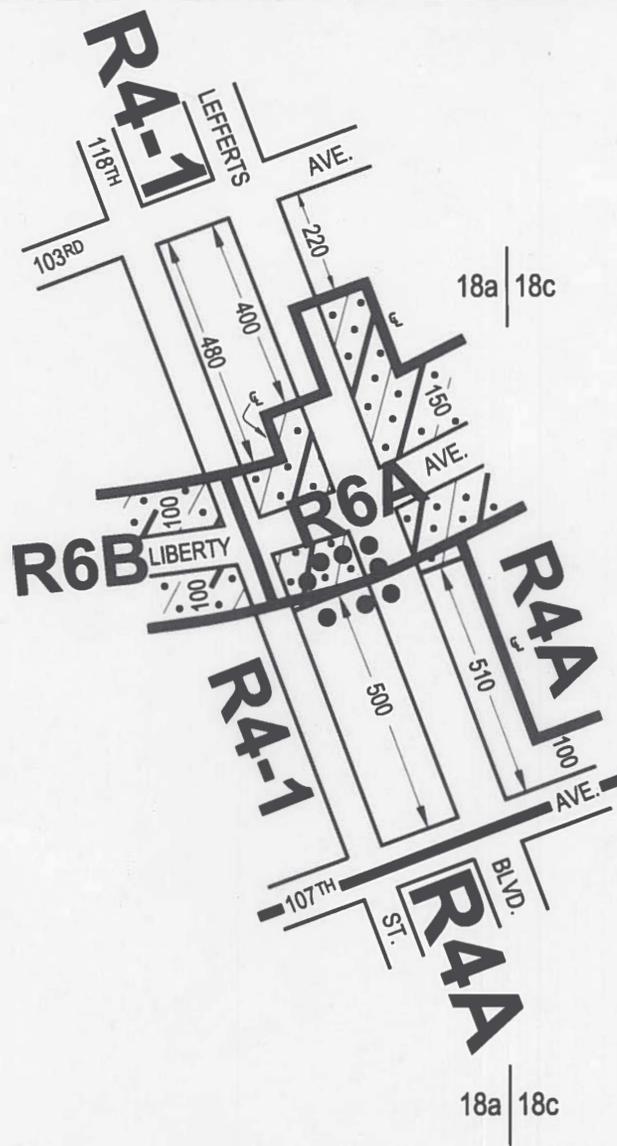
northwesterly of 107th Avenue, and a line midway between Lefferts Boulevard and 118th Street; and

2. establishing within an existing R6A District a C2-3 District bounded by a line 540 feet northwesterly of 107th Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Liberty Avenue, and a line midway between Lefferts Boulevard and 118th Street;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 7, 2018.

The above resolution (C 180304 ZMQ), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 22) 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*
ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH I. DOUEK, CHERYL COHEN EFFRON,
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

18a

BOROUGH OF

QUEENS

S. Lenard
S. Lenard, Director
Technical Review Division

New York, Certification Date
May 07, 2018



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by establishing C2-3 Districts within existing R4-1 and R6A Districts.
-  Indicates a C2-3 District.



ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

CITY OF NEW YORK ♦ BOROUGH OF QUEENS
115-01 LEFFERTS BOULEVARD
SOUTH OZONE PARK, N.Y. 11420
TEL: (718) 843-4488
FAX: (718) 738-1184
E-MAIL: cb10qns@nyc.gov



KARYN PETERSEN
District Manager

June 19, 2018

Attachment 1 of 1

Re: Application # C 180304 ZMQ

Community Board 10's Land Use Committee met with the applicant on May 24, 2018 to review the application and develop a recommendation to present to the full Board. The Committee and the full Board are in agreement that there is merit in rezoning these 2 lots so that they align with Block 9572 Lot 63, which is behind them and fronts on 118 Street. The Committee and the full Board are in favor of the proposed future development of the one story commercial building on Lot 10.

However both the Committee and the full Board recognize that this proposed rezoning may pose a possible future hardship resulting from the new created zoning district line between the lots 11 & 12 for the owner on the adjacent Lot 12 who is not a party to this application. This property on Lot 12 is an existing semi-attached 2 story residential building currently in a R4A zoning district. It has an existing party driveway with lot 11. If there is any future development to Lot 11 after this rezoning, a new one story commercial building could be built to the Lot line abutting Lot 12. This would affect the party driveway.

Therefore, on June 7, 2018 Community Board 10 Queens voted 31 in favor with 0 opposed and 0 abstaining to recommend approval of this application for a zoning map amendment to rezone 2 properties, 104-12 and 104-14 Lefferts Blvd., (Block 9572 Tax Lots 10 And 11) in which Lot 10 is owned by the applicant and Lot 11 is under separate ownership with the following modifications/conditions:

1. That if there is now a party driveway recorded easement between the properties on Lots 11 and 12, that it be noted and be required to be maintained on Lot 11.
2. If there is not now such a recorded easement, a new easement be required to be recorded between the owners of Lots 11 & 12.

Queens Borough President Recommendation

APPLICATION: ULURP #180304 ZMQ

COMMUNITY BOARD: Q10

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of Opos Sou Kapnisi, Inc., pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section No. 18a:

1. Establishing within an existing R4-1 District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Lefferts Boulevard, a line 500 feet northeasterly of 107th Avenue, and a line midway between Lefferts Boulevard and 118th Street; and
2. Establishing within an existing R6A district a C2-3 District bounded by a line 540 feet northwesterly of 107th Avenue, Lefferts Boulevard, a line 100 feet southeasterly of liberty Avenue, and a line midway between Lefferts Boulevard and 118th Street;

Ozone Park, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 7, 2018

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 21, 2018, 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:

- o The applicant is proposing this rezoning application to extend an existing C2-3 overlay onto two properties, located on the west side of Lefferts Boulevard between Liberty & 107th Avenues, for the purpose of redeveloping one of the sites with a commercial building. The proposed overlay would allow commercial use of the rezoned property with a 1.0 commercial Floor Area Ratio;
- o This site was part of the Ozone Park rezoning that was approved in 2013. The zoning for the site was C4-2 before the Ozone Park rezoning action changed it to R4-1.
- o Both properties (Block 9572, Lots 10 & 11) are located within an existing R4-1 District. A sliver of Block 9572, Lot 10 (104-12 Lefferts Boulevard) is in the R6A District mapped on Liberty Avenue. This 1900 sf parcel is developed with a semi-detached residential building. The adjacent parcel, Block 9572 Lot 11 (104-14 Lefferts Boulevard) is developed as the other half of the semi-detached residential building on Lot 10 and is occupied by a non-conforming tax and realty office. The existing driveway located on the side of this property is shared with an adjacent lot that is not subject to this rezoning;
- o The applicant, the owner of 104-12 Lefferts Boulevard, is proposing to build a one-story, 1900 sf commercial building with a cellar. The effect of this rezoning would legalize the existing non-conforming use of 104-14 Lefferts Boulevard ;
- o The proposed rezoning area is located just south of the intersection Liberty Avenue and Lefferts Boulevard. Both of these are major thoroughfares in Ozone Park. Liberty Avenue is developed with a mix of local retail and commercial as well as residential uses. This portion of Lefferts Boulevard is predominantly developed with low-density housing with some local retail/commercial uses;
- o Community Board 10 conditionally approved this application by a vote of twenty-nine (29) in favor with none (0) opposed of abstaining at a public hearing held on June 7, 2018. CB 10's condition of approval is that any future redevelopment of 104-14 Lefferts Boulevard should not encroach on the existing common driveway.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the condition that the applicant makes a commitment that any future redevelopment of 104-14 Lefferts Boulevard does not encroach on the shared driveway.


PRESIDENT, BOROUGH OF QUEENS

6/27/18
DATE