



CITY PLANNING COMMISSION

June 20, 2007/Calendar No. 21

C 070078 MMQ

IN THE MATTER OF IN THE MATTER OF an application, pursuant to Sections 197-c and 199 of the New York City Charter by the Department of Transportation and the Economic Development Corporation for an amendment to the City Map involving:

- the widening and realignment of Archer Avenue between 144th Place and 147th Place;
- the establishment of Public Places between 144th Place and 147th Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 12, Borough of Queens, in accordance with Map No. 4991 dated December 12, 2006, and signed by the Borough President.

The application (C 070078 MMQ) for an amendment to the City Map was filed by the Department of Transportation and the Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter on August 24, 2006. It involves: the widening and realignment of Archer Avenue between 144th Place and 147th Place; the establishment of Public Places between 144th Place and 147th Place; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

BACKGROUND

The applicants propose a change in the city map involving the widening and re-alignment of Archer Avenue between 144th Place and 147th Place, the establishment of Public Places between 144th Place and 147th Place and the adjustment of grades necessitated thereby in the Jamaica Station area in Downtown Jamaica to alleviate vehicular traffic congestion, improve access to mass transit and provide public open space. The application will result in additional traffic lanes, wider side walks, improved bus stops, new medians and publicly accessible open space.

Archer Avenue is currently mapped to a variable width of 50 feet to 100 feet, it is open for two way traffic and city owned. The re-alignment and widening of Archer Avenue affects portions of

Block 9986, Block 9988, and Block 9994. Widening Archer Avenue would provide an additional travel lane for a total of four through lanes and a dedicated left-turn lane, improving bus operations and overall traffic conditions.

This action also includes the mapping of three parcels along the northern side of the realigned portion of Archer Avenue as Public Places. The proposed Public Places on Blocks 9986, 9988 and 9994 would total 3906, 10132, and 8651 square feet, respectively. This action will require acquisition of Lot 38 in Block 9994, Lots 37, 38, 40, and 42 in Block 9988, Lots 70, 73 and a portion of Lot 75 in Block 9986.

It is anticipated that these Public Places would include seating, landscaping and graphic elements and will allow the relocation of two subway stairs from the sidewalk providing additional space for pedestrians. The Public Places are also anticipated to include limited retail concessions that would be consistent with the project's public purpose.

The project site lies within C4-2, C4-6, and M1-1 zoning districts. The subject site and the immediate area include a mix of street level retail with some small upper story offices. A small lower density residential enclave is located immediately to the northwest of the proposed project.

An interagency mapping conference was held on October 6, 2006. No city agency had objections to this proposal.

ENVIRONMENTAL REVIEW

This application (C 070078 MMQ) 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 No. is 07DOT002Q. The lead agency is the Department of Transportation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on January 12, 2007.

UNIFORM LAND USE REVIEW

This application (C 070078 MMQ), was certified as complete by the Department of City Planning on January 22, 2007 and was duly referred to Community Board 12 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 12 held a public hearing on this application (C 070078 MMQ) on March 21, 2007, and on that day, by a vote of 34 to 1 with 4 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. “That a downtown developer commissioner/committee be established to oversee existing businesses and local residents with the “right of first refusal” for downtown Jamaica.
2. That access to capital is made available:
 - a. revolving loan fund guaranteed by Greater Jamaica Development Corporation
 - b. elected officials to increase funds from GJDC for the purpose of creating a lending consortium for businesses and residents (Frame of reference: Port Authority/Air train procedures)
 - c. Hire a consultant firm to work with CB12, developer, residents during life of construction, including EDC and GJDC.
3. That a community liaison be appointed from Community Board’s district to receive complaints regarding: air quality, noise pollution, relocation of businesses and residents affected, and repairs.
4. That north side parking of 95th Avenue be instituted for residents before work begins. DOT must engage this task immediately. (1 way parking)
5. That contractors and sub-contractors be responsible for repairing water pipes from homes to streets for one year after completion of projects.
 - a. residents to be provided a 30 to 60 day waiver to repair damaged homes.
6. That a system be put in place to identify and to recruit employees from postal zones 11412, 11413, 11411, 11423, 11434, 11433, 11435, 11436, and 11414.
7. That adequate maintenance and security be incorporated in plan on long-term basis for park and surrounding sites.”

BOROUGH PRESIDENT RECOMMENDATION

This application (C 070078 MMQ) was considered by the Borough President, who issued a recommendation approving the application on May 2, 2007 with a condition that “the city continue to work with the property owner to resolve this issue in a manner that will satisfy the overall goal of promoting traffic and pedestrian safety while allowing the property owner reasonable development options.”

CITY PLANNING COMMISSION PUBLIC HEARING

On April 25, 2007 (Calendar No. 5), the City Planning Commission scheduled May 9, 2007, for a public hearing on this application (C 070078 MMQ). The hearing was duly held on May 9, 2007 (Calendar No. 31).

There were four speakers in favor and two in opposition to this application. Two speakers from the Economic Development Corporation described the proposal and the applicant’s response to the conditions of the Community Board which were related to the establishment of a downtown development committee, provision of access to capital for the local businesses and residents, hiring a community liaison to receive complaints, contractors responsibilities regarding water pipes, recruiting employees from within certain zip code areas, relocation of existing businesses and residents, maintenance and security. They further stated that the applicants have submitted a letter to the Community Board 12 describing the above issues and their resolutions.

A representative of Sunshine Developmental School, a special needs school, located at 146th Street also spoke in favor of the proposal. In addition, a resident from the Jamaica area stated that only emergency vehicles should be allowed in the downtown Jamaica area. He further stated that there are too many buses on Archer Avenue.

The property owner of Lot 38 in Block 9994 spoke against the project. He stated that he is negotiating with the Economic Development Corporation to finalize the criteria for the condemnation of his property. He presented an alternative proposal in which his property would extend to Archer Avenue along 147th Place giving him frontage on those streets and the Public

Place would extend northward along Sutphin Boulevard. An attorney, representing the property owner stated that the condemnation of Lot 38 in Block 9994 to improve bus stops and to relocate subway entrances, to take private property for another private use, and to transfer the condemned property to another private party is unconstitutional. He cited the *Kelo vs. City of New London* case and requested the City not to condemn this lot.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

Archer Avenue, at its intersection with Sutphin Boulevard, is located at the core of Jamaica multi-model transit hub. The proposed widening of Archer Avenue would provide four through lanes for vehicular traffic, wider sidewalks for pedestrians, shelter area for pedestrians in the median, wider radius for larger vehicles making turns, and improved bus lanes and bus stops. It is anticipated that the widened Archer Avenue would provide a smoother pedestrian and vehicular circulation in downtown Jamaica.

The proposed Public Places would provide open space in the Downtown Jamaica area. These Public Places would include seating, landscaping and graphic elements. In addition, relocating subway entrances from the sidewalk areas to the proposed Public Places adjacent to Archer Avenue will provide more pedestrian space on the sidewalk relieving pedestrian congestion. The Public Places are also anticipated to include limited retail concessions that would be consistent with the project's public purpose.

In response to concerns raised by the Community Board regarding the establishment of a downtown development committee, provision of access to capital to the local businesses and residents, hiring a community liaison to receive complaints, contractor's responsibilities regarding water pipes and construction, recruiting employees from within certain zip code areas, relocation of existing businesses and residents, maintenance and security, a letter dated March

16, 2007 was submitted to the Community Board 12 by the New York City Economic Development Corporation (EDC) and the Greater Jamaica Development Corporation (GJDC). It states that:

1. EDC and GJDC have agreed to develop a plan for the operation of future concessions at the proposed Station Plaza and retail space at Sutphin Boulevard underpass that promotes opportunities for displaced businesses and Local, Minority or Women-Owned Businesses (M/W/LBEs). In addition, GJDC will make its low-cost Revolving Loan program available to qualified businesses in need of this financing option.
2. The Cornerstone Group has been engaged to assist with tenant relocation through individualized relocation counseling.
3. EDC and GJDC will seek to utilize revenues provided through the concessions to fund plaza maintenance.
4. EDC and GJDC welcome the opportunity to work with the Community Board to form an ongoing Advisory Committee to encourage M/WLBE participation on the Station Plaza.
5. An overall 20% M/WILBE participation goal would be established for construction, and project services. In addition, EDC and GJDC will develop a plan for local employment participation in the project. This *MIWILBE* plan would be further developed and finalized with community consultation and would become enforceable through GJDC's project funding agreement with EDC.
6. As part of the construction contract, GJDC will provide a contingency budget to pay for unanticipated impacts on adjacent homes such as damaged water supply connections.

The Commission notes that on June 15, 2007, the application was revised by splitting the original alteration map into two parts without changing the scope of the map change. Map No. 4997 involves the establishment of a Public Place addition between Sutphin Boulevard and 147th Place on the north side of Archer Avenue. The revised Map No. 4991 includes the remainder of the original alteration map. This revision will give the City flexibility as it continues to work with the owner of the property of Block 9994, lot 38, in order to address the property owners concerns while still achieving the goals of the proposal.

The Commission believes that the City Map change is an important initiative that will provide more open space and improve traffic conditions in the downtown Jamaica area.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following 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 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 070078 MMQ) for the amendment to the City Map involving:

- the widening and realignment of Archer Avenue between 144th Place and 147th Place;
- the establishment of Public Places between 144th Place and 147th Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 12, Borough of Queens, in accordance with Map No. 4991 dated December 12, 2006, revised June 15, 2007, and Map No.4997 dated June 15, 2007, both signed by the Borough President, are approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, the Public Places shall be used to provide open space use and pedestrian improvements in the areas supporting transit circulation; the Public Places may include plaza areas that may contain seating, landscaping and other open space elements, may accommodate the relocation of subway stairs from their current locations within the existing sidewalks on the east and west sides of Sutphin Boulevard; and may include structures containing retail uses that serve open space users, pedestrians and commuters, consistent with the above purposes; and be it further

RESOLVED that, all such approvals being subject to the following conditions:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. 4991 and 4997 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

The above resolution (C 070078 MMQ), duly adopted by the City Planning Commission on June 20, 2007 (Calendar No. 21), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq. Vice Chair

ANGELA M. BATAGLIA, IRWIN G. CANTOR, P.E.

ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,

RICHARD W. EADDY, LISA A. GOMEZ

NATHAN LEVENTHAL, KAREN A. PHILLIPS

DOLLY WILLIAMS, Commissioners