



IN THE MATTER OF an application submitted by the LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow:

1. a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, second floor and roof of an existing two-story garage building;
2. up to 350 spaces to be located on the roof of such public parking facility;
3. floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and
4. a waiver of the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [*date of adoption**] that was previously granted a special permit under this Section;

on the property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Community District 4.

* Note: Refers to the modification of Section 74-512 of the Zoning Resolution under a concurrent related action (N190440 ZQR).

This application for a special permit pursuant to Section 74-512 of the Zoning Resolution (ZR) was filed on May 3, 2019 by LSS Leasing Limited Liability Company. In conjunction with the related action, it would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4.

RELATED ACTION

In addition to the proposed special permit (C 190439 ZSQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 190440 ZRQ Zoning text amendment to ZR Section 74-512 (Modification of provisions to permit the continued use of the existing parking garage in a C4-4 zoning district in Queens Community District 4).

BACKGROUND

The applicant seeks a special permit pursuant to ZR Section 74-512 to allow for the continued use of an existing 706-space public parking garage. The project area consists of Block 1918, Lots 1, 18, 25 and 114 on Junction Boulevard and Horace Harding Expressway in Queens, Community District 4.

The project area is an approximately 212,402 square-foot zoning lot consisting of Block 1918, Lots 1, 18, 25 and 114. It is located at the intersection of Junction Boulevard and Horace Harding Expressway, and contains 425 feet of frontage on Junction Boulevard and 499.77 feet of frontage on Horace Harding Expressway. On July 20, 1966, a special permit pursuant to Section 74-512 of the Zoning Resolution (CP 19389) was approved by the City Planning Commission (CPC) to allow for the development of a two-story public parking garage with 870 parking spaces, including roof and cellar spaces. The garage was intended to service the demand generated by existing and new commercial buildings to be developed on the same zoning lot by providing public parking spaces. This special permit was subsequently approved by the Board of Estimate (BOE) on August 25, 1966 (Cal. No. 116), and subject to a term of 50 years.

On November 15, 1967, the CPC approved the applicant's request to modify the original special permit pursuant to a set of revised site plans and an exemption of the approved garage's floor space from the definition of floor area. The amended special permit was adopted by the BOE on January 11, 1968, and subject to a term of 50 years.

The project area is currently developed with approximately 720,500 square feet of commercial floor area. Lot 1, which has frontage on Junction Boulevard and Horace Harding Expressway, is developed with a 20-story office building built in 1970 and primarily occupied by New York City, New York State, and federal agencies. Lot 114 fronts on the north side of Horace Harding

Expressway, and contains a six-story office building constructed in 1966 that is also occupied by government agencies.

The existing two-story public parking garage, a post office, and a diner were developed in 1968 on Lots 18 and 25, comprising approximately 211,010 square feet. The parking garage contains 706 parking spaces on three levels with public and accessory parking spaces. There are 356 self-parking spaces located on the ground and second levels, and 350 attended spaces on the roof of the garage. There are approximately 595 accessory office parking spaces in the parking garage, primarily used by tenants in the adjacent office building, including the New York City Police Department, the United States Postal Service, the Internal Revenue Service, and the New York City Department of Environmental Protection (DEP). As per the stipulated lease terms, DEP retains exclusive access to the 350 parking spaces located on the roof of the garage.

The parking garage has two designated entry/exit points. The main entry/exit is located on Junction Boulevard at the signalized intersection of 59th Avenue and Junction Boulevard and is used by the public and office building tenants. A 30-foot curb cut provides access in and out of the garage, with two 11-foot exit lanes and one 12-foot entrance lane. A secondary entry/exit for the garage, located on Horace Harding Expressway, is primarily used by City vehicles and truck deliveries for the diner and Post Office. The proposed actions would not facilitate any new development, enlargement, or alteration of the garage, aside from minor improvements to the roof's screening.

The project area was mapped with an R6 zoning district in 1961. On January 28, 1965, the CPC approved a rezoning to a C4-4 district (CP 18732). C4-4 districts permit a range of residential, commercial and community facility uses with a maximum Floor Area Ratio (FAR) of 3.4 and a residential equivalent of R7-2. The remainder of the block is zoned R6 with a C2-2 commercial overlay on the east side of the block, and contains the LeFrak City residential complex. This development contains twenty 16-story residential towers containing approximately 4,600 units, as well as a branch of the Queens Borough Public Library, day care centers, and local retail shops.

Zoning in the surrounding area reflects a mix of residential, commercial and community facility uses. Junction Boulevard, Horace Harding Expressway, and Queens Boulevard are the major

thoroughfares in the area. Regional destination retail uses are concentrated along these major corridors. Rego Center Mall is located just south of the project area on Junction Boulevard in C2-4F and C4-2 districts, and the Queens Center Mall is located one block west of the project area on Queens Boulevard in a C4-5X district. Local retail uses are concentrated north of the project area along 57th Avenue and 99th Street, in C2-2 commercial overlay districts which include small delis, discount stores and other uses that serve the local community.

Residential zoning in the surrounding area includes an R7B district west of the project area, R5 and R6B districts north of the project area, and an R7B district east of the project area. These residential districts are developed with two- to three-story attached residences and seven-story multi-family elevator buildings, most having ground floor community facility uses such as doctor and dentist offices. There are multiple 15- to 17-story, multi-family elevator buildings southeast of the project area in an R7-1 district. There are also several houses of worship in the surrounding area. Nearby schools include P.S. 206, located on the south side of Horace Harding Expressway, P.S. 13, located one block northwest of the project area, and several daycare/pre-kindergarten locations within LeFrak City. The Real Good Playground, the Horace Harding Playground and Lost Battalion Hall Playground are located south of Horace Harding Expressway, and the Newtown Playground is located one block west of the project area. Flushing Meadows-Corona Park is located approximately one half-mile east of the project area.

The southern portion of the project area is adjacent to Interstate 495, known as the Long Island Expressway, which provides access to Manhattan (west) and Long Island (east). Other modes of transportation in the area include the M and R subway lines with two stations near the project area along Queens Boulevard: the Woodhaven Boulevard station is located three blocks west of the project area, and the 63rd Drive-Rego Park station is located two blocks south of the project area. Bus lines serving the project area include the Q38, Q59, Q88 and express buses QM12 and QM42.

The existing special permit expired on January 11, 2018. The applicant seeks a new special permit pursuant to ZR Section 74-512 to permit the existing parking garage to continue to operate as a public parking garage with more than 150 parking spaces in a C4 district, to locate parking spaces on the roof of the garage, and to exempt the parking garage's floor space below a height of 23 feet

above curb level from the definition of floor area as set forth in Section 12-10 of the Zoning Resolution.

To facilitate continued use of the existing parking garage, the applicant also requests a zoning text amendment to ZR Section 74-512 to allow a reduction in the number of required reservoir spaces for existing public parking garages that were previously granted a special permit pursuant to ZR Section 74-512 and are located within a C4-4 District in Queens, Community District 4. The proposed text amendment would require that the number of reservoir spaces provided be consistent with a finding that would replace the finding in Paragraph (c) of Section 74-512, and require that the existing permitted parking facility would not create or contribute to serious traffic congestion and would not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 190439 ZSQ), in conjunction with the related application for a zoning text amendment (N 190440 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. This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 190439 ZSQ) was certified as complete by the Department of City Planning on June 3, 2019, and was duly referred to Queens Community Board 4 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 190440 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Queens Community Board 4 held a public hearing on this application (C 190439 ZSQ) on June 11, 2019, and, by a vote of 24 in favor, one opposed, and zero abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 190439 ZSQ) on July 11, 2019, and on July 29, 2019, issued a recommendation approving the application.

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 14), the City Planning Commission scheduled August 14, 2019, for a public hearing on this application (C 190439 ZSQ) and the related application for a zoning text amendment (N 190440 ZRQ). The hearing was duly held on August 14, 2019 (Calendar No. 54). Three speakers spoke in favor of the applications and none in opposition.

The project team included the applicant's representative and traffic consultant, both of whom spoke in favor of the application. The applicant's representative presented an overview of the applications, stating that the garage has been functioning under today's conditions for approximately 51 years and that there would be no alteration of the garage's structure or operations, aside from improving roof top screening and increasing bicycle parking spaces from approximately 24 spaces to 71 spaces to meet today's zoning requirements. The traffic consultant presented a brief overview of the traffic study submitted as part of the application and stated that, based on his observations, no more than two reservoir spaces were needed at the entrance to the garage.

One speaker, a Queens resident, also spoke in favor of the application.

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

CONSIDERATION

The Commission believes that this application for a special permit (C 190439 ZSQ), in conjunction with the related application for a zoning text amendment (N 190440 ZRQ), is appropriate.

The Commission believes that the existing 706-space parking garage meets the demands of current users in the area, without unduly impeding vehicular and pedestrian traffic flows on the sections

of Junction Boulevard and the Horace Harding Expressway containing entry/exits for the facility. Most of the users of the parking garage are commercial tenants in the adjacent office buildings, including DEP, whose headquarters and associated fleet have exclusive rights to parking spaces located on the roof of the garage. Both Junction Boulevard and Horace Harding Expressway are major thoroughfares, and the main entry/exit to the facility on the Boulevard is controlled by a traffic signal at 59th Avenue.

The Commission notes that the garage has been part of the original design of this portion of the Lefrak City complex for more than 50 years. The proposed changes to the existing garage are limited to making minor improvements to the roof's screening and increasing the number of bicycle parking spaces from approximately 24 spaces to 71 spaces to meet zoning requirements. With these improvements, the garage will continue to be a resource for area workers and visitors that will help to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission recognizes that the garage has been operating effectively without the required number of reservoir spaces for more than 50 years while not inhibiting vehicular traffic and pedestrian flow in the surrounding area, and finds the proposed text amendment appropriate. The proposed text amendment will replace the finding in Paragraph (c) of ZR Section 74-512, and will allow the garage to continue operating with an appropriate number of reservoir spaces identified by the traffic study conducted as part of this application.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 of the Zoning Resolution:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before [date of adoption] and was previously granted a permit pursuant to this section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

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, consideration and findings described in this report, the application submitted by the LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 706 parking spaces, including 356 self-park spaces and 350 attended parking spaces, on the ground floor, second floor and roof of an existing two-story garage building; to allow up to 350 spaces to be located on the roof of such public parking facility; and to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), on property located on Block 1918, Lots 1, 18, 25 and 114 in the Borough of Queens, Community District 4, is approved subject to the following terms and conditions:

1. The property that is subject of this application (C 190439 ZSQ), in conjunction with the related application for a zoning text amendment (N 190440 ZRQ), shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 5	Ground Level & Zoning Lot Site Plan	5/3/2019
2 of 5	2 nd Level	5/3/2019
3 of 5	Roof	5/3/2019
4 of 5	Sections	5/3/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans

listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190439 ZSQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 14), is filed with the Office of the Speaker, the City Council, and the Queens 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; ALLEN P. CAPPELLI, Esq.,

ALFRED C. CERULLO, III, MICHELLE de la UZ, JOSEPH I. DOUEK,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*

Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190439 ZSQ**

CEQR Number: 19DGP194Q

Project Name: **LeFrak City Parking Garage**

Borough(s): Queens

Community District Number(s): 4

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, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 the LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512* of the Zoning Resolution to allow:

- a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building,
- to allow up to 350 spaces to be located on the roof of such public parking facility,
- to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and
- and to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was granted a special permit pursuant to this Section,

on property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Community District 4.

* Note: Section 74-512 is proposed to be modified under a concurrent related application for an amendment of the Zoning Resolution (N 190440 ZQR).

Applicant(s): LSS Leasing Limited Liability Company 40 West 57th Street, 23rd Floor New York, NY 10019	Applicant's Representative: Carol E. Rosenthal, Esq. Fried, Frank, Harris, Shriver & Jacobsen LLP One New York Plaza, 22nd Floor New York, NY 10004
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Recommendation submitted by:
Community Board 4 Queens

Date of public hearing: Tuesday, June 11, 2019 **Location:** 83-20 Queens Blvd., Elmhurst, NY 11373
Italian Charities of America

Was a quorum present? YES ☒ NO ☐ *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: June 11, 2019 **Location:** 83-20 Queens Blvd., Elmhurst, NY 11373

RECOMMENDATION

☒ Approve	☐ Approve With Modifications/Conditions
☐ Disapprove	☐ Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting
In Favor: 24 # Against: 1 # Abstaining: 0 Total members appointed to the board: 45

Name of CB/BB officer completing this form Christian Cassagnol	Title District Manager	Date 6/21/2019
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Queens Borough President Recommendation

APPLICATION: ULURP #190439 ZSQ

COMMUNITY BOARD: Q04

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to section 74-512* of the NYC Zoning Resolution to allow:

1. A public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building;
2. To allow up to 350 spaces to be located on the roof of such public parking facility;
3. To allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10(DEFINITIONS); and
4. And to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was granted a special permit pursuant to this Section;

on property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Community District 4, Borough of Queens. (*Related item ULURP #N190440 ZRQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, July 11, 2019, 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 requesting the grant of a Special Permit to allow the continued operation and use of an existing three (3)-level public parking garage containing 706 parking spaces and two (2) reservoir spaces with entrances and exits on both Junction Boulevard and Horace Harding Expressway;
- A Zoning Text Amendment (ULURP #N190440 ZRQ) was concurrently filed with this application that would allow an exemption from paragraph (c) of Zoning Resolution Section 74-512 for garages in C4-4 Districts within Community District 4;
- The applicant is proposing continued operation of a public parking garage that was approved by the New York City Board of Estimate in 1968; continued roof top parking for 350 cars; an exemption of the garage's floor space below a height of 23 feet above curb level from the definition of floor area as set forth in Section 12-10 of the Zoning Resolution;
- The project site was rezoned in 1965 (CP-18732; Cal. No. 24) from an R6 to a C4-4 District. The City Planning Commission granted a special permit on July 20, 1966 to allow for the development of the garage (CP-19389; Cal. No.14). On August 25, 1966 the New York City Board of Estimate approved the Special Permit (Cal. No 116). On October 30, 1967, the Applicant submitted a revised set of plans to CPC in furtherance of its request to modify the 1966 Special Permit to exempt the Garage's floor space from the Zoning Resolutions definition of floor area. On November 15, 1967 CPC approved the Applicant's requested modification to the 1966 Special Permit (CP 19389; Cal. No. 14). On January 11, 1968, the Board of Estimate amended its prior resolution and approved the special permit. The special permit was subject to a term of fifty (50) years (the "1968 Special Permit"), and which expired on January 11, 2018;
- The project site (Block 1918, Lots 1, 18, 25 &114) is located a C4-4 District, with 425 feet of frontage on the east side of Junction Boulevard, 500 feet frontage on the north side of Horace Harding Expressway abutting the Long Island Expressway. The parking garage is part of the Lefrak City apartment complex which includes 16- to 20-story residential towers with approximately 4,600 residential units, a branch of the Queens Borough Public Library, day care centers, houses of worship and local retail shops and open space recreation areas provided to residents as part of the complex;
- The surrounding area is developed with a mix of one (1) story commercial to seven (7) story residential buildings with community facility uses. There are multiple schools serving ages pre-k through High School north and west of the site as well as Queens Center Mall to the west, the Rego Park Shopping Mall to the southeast;

- Community Board 4 approved this application by a vote of twenty-four (24) in favor with one (1) opposed and none (0) abstaining at a public hearing held on June 11, 2019.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of the Special Permit to allow the continued operation of the public parking garage at Lefrak City.



PRESIDENT, BOROUGH OF QUEENS

7/29/19
DATE