

## **CITY PLANNING COMMISSION**

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February 7, 2007/Calendar No. 16

C 070081 ZSQ

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**IN THE MATTER OF** an application submitted by Dermot QFC, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 500 spaces including 180 accessory spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 89-14 Parsons Boulevard (Block 9755, Lots 31 and 59), in C4-5X District, Borough of Queens, Community District 12.

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The application for the special permit was filed by New York City Economic Development Corporation and Dermot QFC, LLC on August 25, 2006 to allow for the construction of a 500-space attended public parking garage to be located on portions of the cellar and sub-cellar of a building at 89-14 Parsons Boulevard in Jamaica, Queens.

### **RELATED ACTIONS**

In addition to the Special Permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 070079 ZMQ      Amendment to the Zoning Map changing C4-2 and R6 districts to a C4-5X district.
2. C 070080 PPQ      Disposition of 2 city owned properties pursuant to zoning.
3. C 070082 ZSQ      Special permit to permit the modification of street wall and setback regulations pursuant to Section 74-743(a)02, to permit the location of

business entry and show windows within 75 feet of a residential district boundary pursuant to Section 74-743(a)3, to permit the location of commercial uses on the same floors as residential use pursuant to Section 74-744(b), and to permit the location of signage within 75 feet of a residential district boundary pursuant to section 744-744(c).

## **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 070082 ZSQ).

## **ENVIRONMENTAL REVIEW**

This application (C 070081 ZSQ), in conjunction with the applications for the related actions (C 070079 ZMQ), (C 070080 PPQ) and (C 070082 ZSQ), 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 06DME014Q. The lead agency is The Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 19, 2006.

## **UNIFORM LAND USE REVIEW**

This application (C 070081 ZSQ), in conjunction with the applications for the related actions (C 070079 ZMQ), (C 070080 PPQ) and (C 070082 ZSQ), was certified as complete by the Department of City Planning on September 25, 2006, and was duly referred to Community Board 12 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 12 held a public hearing on this application on November 15, 2006, and on that date, by a vote of 30 to none with 3 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 12 appears in the report on the related application for the grant of a special permit (C 070082 ZSQ).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on January 9, 2007.

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

On December 20, 2007 (Calendar No. 5), the City Planning Commission scheduled January 10, 2007, for a public hearing on this application (C 070081 ZSQ). The hearing was duly held on

January 10, 2007 (Calendar No. 24), in conjunction with the public hearing on the applications for the related actions (C 070079 ZMQ), (C 070080 PPQ) and (C 070082 ZSQ).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 070082 ZSQ), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the special permit is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related special permit application (C 070082 ZSQ).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

- (a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic

generated thereby;

(f) not applicable; and

(g) not applicable.

## **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 application of Dermot QFC, and the Economic Development Corporation for a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 500 spaces including 180 accessory spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 89-14 Parsons Boulevard (Block 9755, Lots 31 and 59), in C4-5X District, Borough of Queens, Community District 12, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 070081 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by F X Fowle Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-501	Public Parking Garage Ground Floor Plan	August 23, 2006
Z-502	Public Parking Garage Cellar and Sub-Cellar	August 23, 2006

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 and the attached restrictive declaration 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 to 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 070081 ZSQ), duly adopted by the City Planning Commission on February 7, 2007 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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 Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS Commissioners**