



CITY PLANNING COMMISSION

July 27, 2005/Calendar No. 19

C 040542 ZSQ

IN THE MATTER OF an application submitted by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to:

- a) Section 74-93(a), to permit the reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent;
- b) Section 74-93(b), to permit a demapped air space above a street to be considered as part of the enlargement and to be used for automobile and pedestrian ways;
- c) Section 74-93(d), to permit the location of buildings without regard for the applicable height and setback regulations; and
- d) Section 74-93(e), to permit the modification of signage regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs);

to facilitate the enlargement of a mixed use development bounded by Horace Harding Expressway Service Road, 97th Street, 63rd Drive, Queens Boulevard and Junction Boulevard (Block 2080, Lot 101 and Block 2084, Lot 101), in a C4-2F District and a C4-2 District, Borough of Queens, Community District 6.

The application for a special permit pursuant to Section 74-93 of the Zoning Resolution was filed by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center, Inc. on June 25, 2004, to facilitate the construction of an expansion of the Rego Park Mall (located to the south of the subject site across 62nd Drive) that is proposed to be comprised of an approximately 1,164,260 square foot mixed use development on Block 2080, Lot 101, in Rego Park, Queens.

RELATED ACTIONS

In addition to the special permit, which is the subject of this report (C 040542 ZSQ), 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. N 040451 ZRQ An amendment to Zoning Resolution Section 74-93 (Special Commercial

Developments in Commercial Districts).

2. M 860562(A) ZSQ A modification of Restrictive Declaration (D-110).

BACKGROUND

The subject site is an approximately 277,000 square-foot parcel that occupies a full block and is bounded by the Horace Harding Expressway (Long Island Expressway), Junction Boulevard, 62nd Drive, and 97th Street. It is located in a C4-2F District, and it is currently used as a surface parking lot.

The site has been the subject of several development proposals dating to 1976. The last proposal occurred in 1986, when the site was rezoned from R8/C4-2A to C4-2F to facilitate development of a four-level, 499,000 square-foot retail and commercial project that would have connected to the retail uses on the block south of 62nd Drive. In addition to the rezoning, several changes to the City Map were approved to demap and eliminate volumes of air space above 62nd Drive for two automobile/pedestrian bridges; a zoning text amendment was adopted to establish the C4-2F District; Section 74-93 was amended to reflect, among other things, the exclusively commercial use of the site and the use of eliminated air space for automobile and pedestrian ways; a special permit was granted pursuant to Section 74-93 to modify parking and bulk requirements, among other things, and a Restrictive Declaration was executed to stipulate that the subject site could only be developed pursuant to the 1986 special permits or in accordance with regulations applicable in an R7-1 District.

The project was never built. The 1986 special permits have now lapsed. The site, therefore, is currently subject to the regulations applicable in an R7-1 District, even though it is located in a C4-2F District. The subject site remains the largest undeveloped parcel in an area otherwise developed with a number of substantial residential and commercial buildings.

Area Context

North of the subject site is the Horace Harding Expressway (Long Island Expressway) and a large, primarily residential development, LeFrak City. LeFrak City encompasses 40 acres, and it is comprised of 20 apartment towers (18 stories each). A 20-story office building anchors the southwest corner of the LeFrak development at Junction Boulevard and the Horace Harding Expressway (LIE).

To the south of the site is the “South Block” containing the existing Rego Park Mall, a three-level retail development with approximately 344,000 square feet of floor area and an accessory parking garage with 1,259 parking spaces. To the east of the site are several residential developments, including Park City and Park Plaza apartments, that contain a total of twelve 15- to 17-story buildings. To the west of the site, across Junction Boulevard, are several surface parking areas and the Lost Battalion Hall Park, which contains an indoor recreation center and more than one acre of play and sitting areas. Further to the west and south of the site is Queens Boulevard, a major thoroughfare that passes by several large commercial developments in the vicinity, including the Queens Center Mall and Queen Place retail complexes and the eleven-story Queens Center office tower, as well as numerous smaller retail, service and eating and drinking establishments.

The area is served by the R, V and G (evenings and weekends) subway lines at the 63rd Drive/Rego Park station located one block southeast from the site. There also are seven bus lines that operate in close proximity to the site.

Proposed Development

The proposed development would consist of approximately 526,536 square feet of retail use, 427,500

square feet of residential use, and 210,225 square feet used as accessory parking facility with 1,416 parking spaces. The retail portion would include three stories with a maximum base height of 83 feet, including mechanical space. Two residential buildings containing a total of 450 apartments are proposed, and these buildings would add 20 and 15 stories above the base to achieve maximum heights of 295 feet and 245 feet, including mechanical penthouses. Additionally, the project would provide an open area with landscaping and seating along Junction Boulevard and 97th Street connected by a covered pedestrian arcade for a total of approximately 26,700 square feet of publicly-accessible space.

Parking for the proposed development would be located on seven levels, including two below grade levels. Of the 1,416 parking spaces being provided, 1,101 spaces will be accessory to the retail use and 315 spaces will be accessory to the residential use (70 percent of the dwelling units). Primary access to the parking areas will be provided on 62nd Drive through two 26-foot wide curb cuts, with additional entry/exits on the Horace Harding Expressway service road with a single 29-foot wide curb cut and 97th Street (residential use only) with two 18-foot wide curb cuts. All of the accessory parking provided will be self-parking type spaces.

The project would include a two-level vehicular and pedestrian bridge across 62nd Drive to connect the existing accessory parking garage in the Rego Park Mall with the parking garage in the proposed development. The bridge would be located within one of the two air volumes above 62nd Drive that were demapped and eliminated in connection with the 1986 approvals. Loading docks would be located primarily on the Horace Harding Expressway service road, with a secondary loading area on 62nd Drive.

Required Actions

The proposed development requires a zoning text amendment to Zoning Resolution Section 74-93

(N 040451 ZRQ); a special permit pursuant to Section 74-93 (C 040452 ZSQ); and modification of the 1986 Restrictive Declaration governing development of the site (M 860562(A) ZSQ).

Proposed Zoning Text Amendment (N 040451 ZRQ)

As noted above, Zoning Resolution Section 74-93 (Special Commercial Developments in Commercial Districts) had been amended as part of the 1986 approvals so as to limit its applicability to only commercial developments. Since the currently proposed development includes 427,500 square feet of residential use, it requires amending Section 74-93 to apply these zoning provisions to mixed-use developments, which can contain commercial and residential uses.

The proposed text change would also amend Section 74-93 to allow height and setback modifications by special permit. Section 74-93 already has special permit provisions that may modify applicable bulk regulations and allow the total permitted floor area for all zoning lots within developments or enlargements to be distributed without regard to zoning lot lines. The proposed text amendment would extend the special permit provisions for bulk modifications to allow the location of buildings without regard for the applicable height and setback regulations, provided the City Planning Commission finds that such location of buildings will result in better site planning and that such location of buildings will permit adequate access of light and air to surrounding streets and properties. The proposed mixed-use development seeks height and setback modifications for the residential structures, as described below in the special permit section.

The proposed text change would amend Section 74-93 to allow a reduction in the amount of required off-street accessory parking established in Section 36-21 (General Provisions) by no more than 50 percent of the requirement, provided that the Commission finds that the applicant has demonstrated that the amount

of parking to be provided is sufficient for the uses proposed. The applicant seeks to reduce the amount of required accessory parking spaces for the commercial portion of the project from 2,201 spaces to 1,101 spaces, as discussed below in the special permit section.

The proposed text change also would amend Section 74-93 to allow modification of the applicable signage regulations in Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan. The applicant seeks such a modification of the signage regulations in order to better integrate signage into the proposed development and minimize its placement along streets across from residential uses, as described below in the special permit section.

The applicant also seeks to amend Section 74-93 to remove the stipulation that any pedestrian ways must be enclosed within the demapped volume above 62nd Drive and to eliminate retail use as being permitted within this air space. The proposed text amendment would also revise the requirements for the street level pedestrian circulation area to establish a minimum area of 20,000 square feet. The pedestrian area would continue to have to be maintained with planting and seating facilities by the owner of the development or designee, and it would be subject to such other requirements as the Commission may deem appropriate.

Finally, the proposed text amendment would establish that any permit granted pursuant to Section 74-93 would now be subject to the Zoning Resolution's general lapse provisions contained in Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). The proposed text amendment would delete certain current provisions of Section 74-93 that are not required for the

proposed development, including provisions allowing accessory off-street parking spaces to be provided in a public parking garage to be located anywhere within the development or enlargement, and allowing a special permit pursuant to the provisions of Section 74-512 permitting a public parking garage with a capacity not exceeding 2,700 parking spaces.

Special Permit Pursuant to Section 74-93 (C 040542 ZSQ)

The special permit provisions of Section 74-93 are applicable only on the subject site (the North Block) and the site of the existing Rego Park Mall (the South Block). These provisions provide reasonable regulatory flexibility to ensure appropriate development on these parcels, and the applicant seeks the use of certain of these provisions to facilitate the current development proposal. In particular the applicant requests the grant of the special permit in order to facilitate the construction of a two-level, vehicular and pedestrian bridge above 62nd Drive to connect the proposed accessory parking garage with the existing accessory garage at the Rego Park Mall; to modify height and setback requirements for the residential portions of the proposed development; to reduce the parking requirement for the retail portion of the proposed development; and to modify the signage requirements along certain street fronts of the development.

The proposed vehicular and pedestrian bridge would be located within the easternmost of the two air volumes above 62nd Drive that were demapped in connection with the 1986 approvals. The bridge would have two levels and serve as a pedestrian and vehicular connection between parking levels 2 and 3 in the proposed development and parking levels 3 and 4 in the Rego Park Mall. It would have a clearance height of 21 feet 10 inches above street level, and it would be 30 feet wide. On each level, it would provide a five-foot wide pedestrian path along its eastern edge, a 24-foot wide vehicular drive and a 12-inch wide curb along its western edge. The bridge would be uncovered and its sides would be constructed

of steel trusses covered in a metal mesh. No floor area credit is generated from the demapped air space for the bridge. A minimum of five foot-candles of lighting would be provided under the proposed bridge

The proposed development will contain two residential towers that require modification of the height and setback regulations applicable in the C4-2F District in which the project site is located. The residential portion of a mixed use building in a C4-2F District may rise to a height of 85 feet or nine stories, whichever is less. It must then set back 20 feet on a narrow street or 15 feet on a wide street. The building may then rise higher, but it cannot encroach upon a sky exposure plane of 2.7 to 1 on a narrow street or 5.6 to 1 on a wide street. The two residential towers would be situated at the southern end of the site along the 62nd Drive frontage. One tower would be located at the intersection of 62nd Drive and Junction Boulevard, and it would rise at the street line to a height of approximately 295 feet (including the mechanical penthouse). The second tower would be located at the intersection of 62nd Drive and 97th Street, and it would rise at the street line to a height of approximately 245 feet (including the mechanical penthouse). The residential structures would not provide the required setback at 85 feet and above this height they would encroach upon the required sky exposure plane. The proposed residential structures, however, would reflect the predominant form and configuration of residential towers in the surrounding area, which typically rise without setbacks to heights of 15 to 18 stories and many of which are set at a 45-degree angle at street intersections.

The application also seeks to reduce the number of accessory off-street parking spaces required for retail use to one space per 600 square feet of retail floor area, instead of the one space per 300 square feet. This change would reduce the amount of off-street spaces in the proposed accessory parking garage from 2,201 spaces to 1,101, but the total number of parking spaces provided when combined with the existing underutilized accessory garage in the Rego Park Mall would be 2,360 retail parking spaces. This supply

is expected to be adequate to meet peak total demand.

The application also seeks to modify the signage regulations applicable in the C4-2F District for the proposed development's frontages on Junction Boulevard, the Horace Harding Expressway service road, and 62nd Drive. The signage regulations applicable in a C4-2F District allow a maximum sign surface area of 1,500 square feet for each street frontage. The maximum allowable height for signs is 40 feet. No sign may project across a street property line more than 18 inches for double-faced or multi-faceted signs or 12 inches for all other signs. Along Junction Boulevard, the proposed development would have a total of 3,894 square feet of signage, including 1,620 square feet at the northern corner. In addition, the proposed Junction Boulevard signs would rise to heights of 61, 59 and 43 feet, and seven double-faced blade signs would project 36 inches feet across the street property line. Along its Horace Harding Expressway service road frontage, the project would have a total of 2,550 square feet of signage, and the signs would rise to heights of 45 and 43 feet. Parking identification signs along the Horace Harding Expressway service road frontage would project 48 inches feet across the street property line. The project would also provide parking identification signage along its 62nd Drive frontage that would rise to a height of 43 feet and project 48 inches across the street property line.

Modification of a Restrictive Declaration (M 860562(A) ZSQ)

The applicant seeks modification of the 1986 Restrictive Declaration in order to remove restrictions limiting the development of the project site on the North Block in accordance with previously issued (now lapsed) special permits or subject to regulations applicable in a R7-1 zoning district, and to allow the North Block site to be developed in accordance with the C4-2F zoning district regulations that would otherwise apply, as may be modified by City Planning Commission special permit. The proposed modification to the 1986 Declaration would provide that if the applicant or successor chose to proceed

with the proposed development, the North Block site could be developed in accordance with the C4-2F District regulations that would otherwise apply, and subject to the special permit provisions of Section 74-93. The North Block site, however, would be restricted to R7-1 regulations place if the applicant or successor chose not to proceed with the proposed development.

The proposed modified declaration also would provide that no signs shall be erected on the proposed bridge across 62nd Drive. It would provide that the publicly accessible open and covered pedestrian area shall include landscaping and seating as set forth in the materials accompanying this application, and it would include detailed provisions concerning the pedestrian area's accessibility, hours of operation, security, maintenance and repairs. The proposed modification to the 1986 Declaration would affect only the North Block site, and the provisions of the 1986 Declaration would remain unchanged as they relate to the South Block.

ENVIRONMENTAL REVIEW

This application (C 040542 ZSQ), in conjunction with the related applications (C 040451 ZRQ and M 860562(A) 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 04DCP040Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on publicly accessible open space facilities in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse impacts on historic resources (architectural and archaeological resources) in the affected area.
6. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
7. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
9. The action, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse impacts on transit services and pedestrian flows in the vicinity of the affected area.
11. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
12. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse construction-related impacts.
14. The action, as proposed, may result in significant adverse public health impacts in the vicinity of the affected area.

A Positive Declaration was issued on July 7, 2005, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public scoping meeting was held on the Draft Scope of Work on August 10, 2004, and a Final Scope of Work was issued on

December 2, 2004.

The lead agency prepared a DEIS and issued a Notice of Completion on February 25, 2005 Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on June 8, 2005, in conjunction with the Uniform Land Use Review Procedure (ULURP) application (C 040542 ZSQ). The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on July 15, 2005. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

Traffic and Parking

Traffic

The proposed project would generate new traffic amounting to 475 vehicles per hour (vph) in the weekday midday, 414 vph in the PM, and 778 vph on Saturday midday. There would be four intersections with one or more impacted movements in the weekday midday, six intersections in the PM, and eight intersections in the Saturday midday peak hour. The Queens Boulevard/Eliot Avenue intersection would have one or more impacted movements on Saturday, as would 63rd Drive/97th Street. The intersections of Queens Boulevard at 63rd Drive and at 65th Avenue would have one or more movements impacted in each peak hour, as would the intersections of 62nd Drive/97th Street and the Horace Harding (LIE) Expressway service road and Junction Boulevard. The intersection of 57th Avenue/Junction Boulevard and Horace Harding Expressway/97th Street would be impacted in the PM and on Saturday.

Mitigation

Traffic

Mitigation measures are proposed for the eight different impacted intersections. At the Horace Harding (LIE) Expressway service road and 97th Street intersection, a new signal will be required, while a re-striping of 97th Street at 62nd Drive would address the impact on that intersection. The other measures are operational in nature, involving signal timing changes and new parking regulations. All impacts would be eliminated with the implementation of these mitigation measures.

UNIFORM LAND USE REVIEW

This application (C 040542 ZSQ) was certified as complete by the Department of City Planning on February 28, 2005, and was duly referred to Community Board 6 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along

with the related non-ULURP applications for a zoning text change and a modification of a restrictive declaration (N 040541 ZRQ and M 860562 (A) ZSQ), which were sent to the board and the Borough President for information and review.

Community Board Public Hearing

Community Board 6 held a public hearing on this application on May 4, 2005, and on May 4, 2005, by a vote of 29 to 5 with no abstentions, adopted a resolution recommending approval of the application subject to the following conditions:

1. The amount of commercial retail use proposed, approximately 693,000 gsf, should be reduced significantly.
2. The Restrictive Declaration shall include a provision whereby the applicant's (or their successors) guarantee that, by a date certain, a substantial percentage of the proposed housing units will have been constructed and a temporary certificate of occupancy will have been obtained.
3. The Restrictive Declaration shall include a provision whereby the applicants (or their successors) shall be prohibited, for the life of the project, from seeking conversion from residential to any non-residential use of any portion of the approximately 450,000 gsf proposed for residential use which the applicants (or their successors) fail to develop for housing, with the exception of any such space which is developed for the use as a New York City public school facility for pre-kindergarten and /or elementary school pupils.
4. The street walls of the project should be modifies to incorporate adequate setbacks, at ground floor level at minimum, which shall be appropriately landscaped to provide a smooth transition between the lot-line development of commercial structures along Queens Boulevard and the generous, greened setback typical of high-rise apartment complexes adjacent and proximate to the project site. The 97th Street facade, particularly, should be contextual with the residential environment directly opposite.
5. In view of MTA's recent cancellation of planned and programmed subway station rehabilitation within Community District 6, the applicant shall commit to finance improvements at the 63rd Drive/Rego Park Station- including installation of high entry/exit turnstiles capable of handling entries via MetroCard and exits- at both the front end of the westbound platform and the rear end of the eastbound platform - and to assure that such improvements will be completed concurrently with construction of the project's retail component.
6. The applicants shall provide binding assurances that the interior passageway

within the mall structure, referred to as “the publicly accessible open and covered pedestrian area,” will be opened no earlier than one hour before the mall stores open for business and cleared and closed no more than one hour after the mall’s stores close for business, that mall security officers will patrol the passageway during all hours when the passageway remains open, and that a mall security officer will be stationed in the passageway in the period between store closing and passageway closing to deter both loitering and crime.

7. The applicant’s request for a 50 percent reduction in required parking accessory to the retail use is unacceptable to the Community Board which, although it recognizes that any increase in parking will add unwelcome bulk to an already massive development, remains unconvinced that the proposed parking is sufficient for the uses proposed. Community Board 6 wishes to continue dialogue with the developers on this subject before City Planning Commission and City Council act on this application.
8. The applicant shall provide, for review by the Community Board and by the Director of Planning of the NYC Department of Transportation, an updated and revised traffic analysis which resolves the many problems which this Community Board has with the current traffic analysis, particularly concerning trip generation, modal split, and the applicant’s failure to analyze project impacts on vehicular traffic in the section of 63rd Drive between Queens and Woodhaven Boulevards. Additional concerns are detailed in the review of traffic and parking impacts set forth in the Board’s comments on the DEIS which is appended to this resolution.
9. Consideration shall be given, by the applicants and by all reviewing parties, to the Community Board’s comments on the applicant’s Draft Environmental Impact Statement, hereby appended to this application.
10. The applicants shall meet with duly authorized representatives of Community Board 6 to discuss and mutually identify appropriate community amenities to ameliorate adverse effects of the mall expansion project on the Rego Park residential and commercial communities, and shall agree to provide such amenities if recommended by the Board and concurred in by the Queens Borough President.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on June 6, 2005, subject to the following conditions:

1. The applicant should continue the discussion with the Borough President’s Office and the NYC DOE regarding the siting, planning, and design of a school at the property across

- Junction Boulevard from the site;
2. The Restrictive Declaration should state that the residential portion of the development be constructed and a temporary certificate of occupancy be obtained by a certain date;
 3. The applicant should participate in financing improvements at the 63rd Drive/Rego Park subway station which would serve the customers and residents of the development;
 4. The proposed publically accessible open space and covered pedestrian area in the development should be opened from one hour before to one hour after the store hours and appropriate security measures should be provided. This pedestrian area should be open as a public amenity during the opening hours and kept clear of too much commercial activities;
 5. All the CB 6 concerns regarding the DEIS traffic study should be addressed in the Final Environmental Impact Statement;
 6. The Queens Borough President's Office supports and will participate in ongoing meetings between the applicant, Community Board 6 and area residents throughout the development process to go over construction advisories, project phasing and impact mitigation measures.

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No. 12), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (C 040542 ZSQ). The hearing was duly held on June 8, 2005 (Calendar No. 25), in conjunction with the public hearing on the related application (N 040541 ZRQ). There were five speakers in favor of the application and one speaker in opposition.

The speakers that spoke in favor of the application were the applicant and the applicant's development team, including the project architects and designers. Each of them described different aspects of the proposed mall expansion, including the overall mixed-use project components, pedestrian and vehicular circulation, landscaping and design of the publicly-accessible areas, signage program and parking provisions.

The speaker in opposition represented the Rego Park Sustainable Communities Coalition, and he

contended that the proposed project inadequately addresses the needs of residents in the immediately surrounding area. Among his concerns were the large amount of destination-type retail being provided, related traffic impacts, and the heights of the residential portions of the project.

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

CONSIDERATION

The Commission believes that the grant of this special permit (C 040542 ZSQ), in conjunction with the related application for a zoning text amendment (N 040541 ZRQ) is appropriate.

The Commission believes the proposed actions would facilitate the redevelopment of a long-underutilized site and provide for a reasonable expansion of both economic and housing development opportunities in the area. The proposed project would provide more than 526,000 square feet of floor area for retail use, and it would reinforce land use trends of having large-scale commercial uses near Queens Boulevard in this centrally-located part of the borough. The project's proposed 450 apartments would bring additional needed housing to the area and provide for a transition from the more commercially-developed areas to the west and south of the site to the established residential neighborhoods to the east and north. The Commission believes the project's mix of uses will unify the land use character of the immediate area, and replace an unattractive surface parking lot with a enlivening retail and residential presence.

The Commission believes that the proposed project is well-designed to serve the needs of its visitors and residents and that it relates well to building and development patterns in its vicinity. The Commission

notes that the project will have strong street-life enhancing qualities, including street tree planting around its entire perimeter, substantial fenestration at the base of its two residential towers and along Junction Boulevard, and individual store entries along Junction Boulevard and the through-block covered pedestrian way. In particular, the Commission notes that the through-block connection effectively opens up the middle portion of the site, with portions of the base walls angling inward and away from the street, and additional tree planting and seating areas will be provided at its eastern and western ends. The Commission believes that this mid-block connection will also facilitate pedestrian movements between the residential area to the east of the site and Junction Boulevard and Lost Battalion Hall Park to the west.

The Commission believes the proposed development achieves a better site plan through the provision of the midblock open and covered pedestrian connection and the placement of its two residential towers at the street lines of the site at key intersections along 62nd Drive. The Commission notes that the two towers would be situated at 45-degree angles at the intersections of 62nd Drive and Junction Boulevard and 62nd Drive and 97th Street, rather than directly parallel or perpendicular to these streets, and that this placement corresponds well to similar placements of residential buildings in the area. The Commission further notes that the taller of the towers would rise at the street line to a height of approximately 295 feet (including the mechanical penthouse), and that the second tower would rise at the street line to a height of approximately 245 feet (including the mechanical penthouse). The Commission further notes that the residential structures would not provide the required setback at 85 feet and above this height they would encroach upon the required sky exposure plane. The Commission believes, however, that proposed residential structures would reflect the predominant form and configuration of residential towers in the surrounding area, which typically rise without setbacks to heights of 15 to 18 stories and many of which are set at a 45-degree angle at street intersections. The Commission believes that the angled placement of

the towers will ensure adequate access to light and air for surrounding properties.

The Commission also believes that the proposed modifications to the signage regulations applicable in the C4-2F District for the proposed development's frontages on Junction Boulevard, the Horace Harding Expressway service road, and 62nd Drive will result in a better site plan. The Commission believes the proposed signage locations will concentrate the provision of signs along the main roadways adjacent to the site and minimize the amount of signs on frontages closer to adjacent residential areas. The Commission believes the proposed allowances for the heights and projection of the signs will provide for enhanced visibility of the project and a good relationship with the building's facades.

The Commission believes that the parking and loading plan is sufficient to meet the needs of the proposed project and should minimize the adverse effects on the local road network and surrounding areas. The Commission notes that parking for the proposed development would be located on seven levels, including two below grade levels. Of the 1,416 parking spaces being provided, 1,101 spaces will be accessory to the retail use and 315 spaces will be accessory to the residential use (70 percent of the dwelling units). The Commission believes that the proposed amount of accessory parking spaces is sufficient to meet projected demand for the project at its highest peak hour on Saturday, with additional spaces being available in the 1,259-space parking garage accessory to the existing Rego Park Mall, which will be connected to the proposed development. The Commission also believes that the project's multiple entry/exit locations on 62nd Drive, the Horace Harding Expressway service road and 97th Street (residential use only) will serve to effectively distribute passenger vehicle flows to and from the site onto several primary access and departure routes. Similarly, the Commission believes the proposed location of primary loading docks along the Horace Harding Expressway service road will minimize the movement

of trucks and goods delivery vehicles on residentially developed streets.

The Commission also believes that the vehicular and pedestrian bridge proposed to be located above 62nd Drive within the demapped volume would minimize on-street circulation of vehicles between the existing Rego Park Mall and the proposed development. The Commission notes that the bridge would have two levels and serve as a pedestrian and vehicular connection between parking levels 2 and 3 in the proposed development and parking levels 3 and 4 in the Rego Park Mall. It would have a clearance height of 21 feet 10 inches above 62nd Drive, and a minimum of five foot-candles of lighting would be provided under the proposed bridge. The Commission notes that the bridge would be uncovered and highly transparent since its sides would be constructed of steel trusses covered in an open metal mesh.

The Commission recognizes the thorough and detailed review performed by Community Board 6 regarding the traffic and parking analysis provided in the Draft Environmental Impact Statement (DEIS) prepared for the project, and in response to the Borough President's condition, the Commission notes that Chapter 20 of the Final Environmental Impact Statement (FEIS) fully responds to the concerns raised by the board. In particular, the Commission notes that the analysis in the FEIS demonstrates that proposed 50 percent reduction in the amount of required accessory retail parking (1,101 spaces) is sufficient to meet projected demand for the project at its highest peak hour on Saturday, with additional spaces being available in the 1,259-space parking garage accessory to the existing Rego Park Mall, which will be connected to the proposed development. The Commission recognizes and appreciates the Borough President's willingness to participate in ongoing meetings with the applicant, Community Board 6 and area residents throughout the development process to monitor construction advisories and implementation of traffic impact mitigation measures.

In response to the concerns of Community Board 6 and the Borough President regarding improvements to the 63rd Drive/Rego Park subway station, the Commission notes the letter included in the FEIS from the president of the New York City Transit Authority which acknowledges that NYC Transit will install two new exit and entry turnstiles to replace the exit only one located at the west end of the station, and that this work is expected to be completed by summer 2007, in time to serve the new development. In response to the Borough President's concern that the applicant attempt to provide for additional space for a school facility on its property across Junction Boulevard from the site, the Commission notes that the FEIS does not disclose any project-related impacts to area schools. The Commission, however, encourages the applicant to continue to participate in discussions with the Borough President and the Department of Education and investigate feasible options. In response to concerns regarding operation and security for the covered pedestrian area, the Commission notes that the Restrictive Declaration will include provisions to guarantee the development of the publicly-accessible pedestrian area and details of its hours of operation, security and maintenance.

Regarding additional concerns, the Commission believes that stipulating a timeframe for completing the residential portion of the development is unnecessary and lacks a compelling rationale. The Commission also believes that the proposed 526,536 square feet of retail floor will provide a reasonable addition to the shopping choices available in an area that has a well-established retail and business environment. The Commission believes that the design of the project is sensitive to the residential community to the east of the site, and the Commission notes that, in addition to the 4,535 square-foot landscaped area located midway along the 97th Street frontage, the project will provide a five-foot setback to allow for further plantings along the base in addition to the regular placement of street trees in the sidewalk. The Commission also notes that the facade along 97th Street will be composed primarily of masonry and panel elements to reflect the materials used in the residential buildings located on the opposite side of the street.

Overall, the Commission believes that the proposed project will replace an unattractive surface parking lot with a well-designed and thoughtfully programmed development that will readily fit into its surrounding context and substantially improve the experiences of residents and visitors alike.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-93 (Special Commercial or Mixed Use Developments in Commercial District) of the Zoning Resolution:

- (a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the uses proposed;

- (b) any closed and demapped air space above a street to be considered as a part of the development or enlargement and to be used for automobile ways, or for pedestrian ways; provided the Commission finds that:
 - (1) each bridge over the street bed utilizes only unused floor area from an adjoining zoning lot within the development or enlargement and that no floor area credit is generated from the demapped air space;
 - (2) each bridge adjoins zoning lots which are wholly within the development or enlargement;
 - (3) the curb levels of the adjoining zoning lots are not affected by the closing and demapping of such air space;
 - (4) all street frontages of the zoning lots under each bridge are provided with satisfactory

lighting; and

- (5) a landscaped open, covered or enclosed space for public use at street level, linked with the pedestrian circulation system, is provided in one location within the development or enlargement, which open, covered or enclosed space is at least equivalent to the street area covered by the bridges, has a minimum area of 20,000 square feet, and is maintained with planting and seating facilities by the owner of the development or enlargement or his designee said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

- (c) Not applicable;

- (d) modification of applicable bulk regulations by permitting the total permitted floor area for all zoning lots within such development or enlargement to be distributed without regard to zoning lot lines and permitting the location of buildings without regard for the applicable height and setback regulations, provided the Commission finds that:
 - (1) such distribution of floor area and location of buildings will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
 - (2) such distribution of floor area and location of buildings will permit adequate access of light and air to surrounding streets and properties;

- (e) modification of the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 15, 2005, with respect to this application (CEQR No. 04DCP040Q), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 Alexander's of Rego Park II, Inc. and Alexander's Rego Park Shopping Center Inc. for the grant of a special permit pursuant to:

- a) Section 74-93(a), to permit the reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent;

- b) Section 74-93(b), to permit a demapped air space above a street to be considered as part of the enlargement and to be used for automobile and pedestrian ways;
- c) Section 74-93(d), to permit the location of buildings without regard for the applicable height and setback regulations; and
- d) Section 74-93(e), to permit the modification of signage regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs);

to facilitate the enlargement of a mixed use development bounded by Horace Harding Expressway Service Road, 97th Street, 63rd Drive, Queens Boulevard and Junction Boulevard (Block 2080, Lot 101 and Block 2084, Lot 101), in a C4-2F District and a C4-2 District, Borough of Queens, Community District, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040542 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Greenberg Farrow, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z2.0	Site Plan	June 30, 2005
Z2.1	Building Plan	June 30, 2005
Z2.2	Zoning Analysis	June 30, 2005
Z5.0	Ground Floor Plan	June 30, 2005
Z6.0	Height and Setback Sections	June 30, 2005
Z6.1	Height and Setback Sections	June 30, 2005
Z6.2	Height and Setback Sections	June 30, 2005
Z7.0	Parking Plans	June 30, 2005
Z7.1	Parking Plans	June 30, 2005
Z8.0	Vehicular/Pedestrian Bridge Drawings	June 30, 2005

Z9.0	Signage	June 30, 2005
Z9.1	Signage	June 30, 2005

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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 04DCP040Q) issued on July 15, 2005, (and identified as practicable), as follows:

Traffic

Mitigation measures are proposed for the eight different impacted intersections. At the Horace Harding (LIE) Expressway service road and 97th Street intersection, a new signal will be required, while a re-striping of 97th Street at 62nd Drive would address the impact on that intersection. The other measures are operational in nature, involving signal timing changes and new parking regulations. All impacts would be eliminated with the implementation of these mitigation measures.

5. 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.

6. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 25, 2005, executed by Alexander's of Rego Park II, Inc., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

7. 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 or of the attached restrictive declaration.

8. 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 040542 ZSQ), duly adopted by the City Planning Commission on July 27, 2005

(Calendar No. 19), 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., ALFRED C. CERULO, III,

RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,

JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, COMMISSIONERS

ANGELA R. CAVALUZZI, R.A., COMMISSIONER, RECUSING