



CITY PLANNING COMMISSION

April 23, 2008/Calendar No. 7

C 060287 MMQ

IN THE MATTER OF an application, submitted by College Point Holdings I, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 7, Borough of Queens, in accordance with Map No. 4990 dated October 31, 2006, and signed by the Borough President.

The application (C 060287 MMQ) for an amendment to the City Map was filed by College Point Holdings I, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code on January 10, 2006. It involves: the elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue, the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

RELATED ACTIONS

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

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| C 070174 ZMQ | Changing an M1-1 District to an R4 District, property bounded by a line 350 feet northerly of 14 th Avenue, the former centerline of 115 th Street , 14 th Avenue and a line 240 feet westerly of 115 th Street; |
| 070175 ZSQ | Special permits pursuant to sections 78-351 (Common open space and |

good site plan), 78-352 (Bonus for community facility space) and 78-353 (Bonus for enclosed parking) of the Zoning Resolution;

C 070178 ZSQ Special permit pursuant to Section 78-321(d) to modify the requirements of Section 23-631(b) (Height and setback in R1, R2, R3, R4 and R5 Districts) to allow street wall heights and building height to exceed 25 feet and 35 feet respectively, in the periphery, of a large scale residential development.

N 070179 ZAQ Authorization pursuant to Sections 78-311 and 78-41 to allow distribution of floor area , open space, and accessory off street parking without regard for zoning lot lines, and to modify the requirements of Section 23-47 (Minimum Required Rear Yards);

N 070181 ZAQ Authorization pursuant to Section 23-463 to modify the maximum aggregate width of street walls regulations of Section 23-463 (Maximum aggregate width of street walls) to allow the aggregate width of street wall along 115th Street up to 243.5 feet;

N 070182 ZCQ Chairperson's Certification pursuant to Section 62-711 that waterfront public access and visual corridors are not required;

N 070460 ZCQ Chairperson's Certification pursuant to Section 62-712 to permit subdivision of a zoning lot on a waterfront block;

BACKGROUND

The applicant is requesting the elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue and the delineation of a 5 foot wide sidewalk easement to facilitate the construction of a residential development consisting of 24 three-story buildings

with cellars and 2 three-story buildings without cellars containing 91 dwelling units.

115th Street north of 14th Avenue is mapped to an 80 foot width, partially improved, city-owned and is open for one-way south bound traffic. The applicant proposes to narrow this street from 80 feet to 50 feet by eliminating 30 feet on the western side of the street. The portion of street proposed to be eliminated is not improved. The street south of 14th Avenue is mapped to a 50 foot width, city-owned and is open for one-way south bound traffic.

The existing street is improved to a 44 foot width with a 29 foot vehicular lane and a 15 foot sidewalk width on the eastern side. There is no sidewalk on the western side. The narrowing of this street will not affect the existing conditions of the roadway and the sidewalk on the eastern side. However, the narrowing of this street will leave a 6 foot wide unbuilt sidewalk area on the western side of the street. Therefore, the applicant proposes to delineate a 5 foot wide sidewalk easement and build an 11 foot wide sidewalk on the western side of the street.

14th Avenue is mapped to a 60 foot width, improved, city owned and is open for two-way traffic.

The underlying zoning is M1-1 and the adjacent area is zoned R4-1. The surrounding area is developed with one and two family residential buildings in the residential district and one and two story buildings and parking lots in the manufacturing district. The East River is north of the proposed site.

Agencies were polled on January 23, 2006. No city agency had any objections to this proposal.

A full background discussion and project description appears in the report on the related application for the zoning map change (C 070174 ZMQ).

ENVIRONMENTAL REVIEW

This application (C 060287 MMQ), in conjunction with the applications for the related actions (C 070174 ZMQ, C 070175 ZSQ, C 070178 ZSQ, N 070179 ZAQ, N 070180 ZAQ, N 070181 ZAQ, N 070182 ZCQ, N 070460 ZCQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR No. is 06DCP070Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 3, 2007.

UNIFORM LAND USE REVIEW

This application (C 060287 MMQ), in conjunction with the applications for the related actions (C 070174 ZMQ, C 070175 ZSQ, C 070178 ZSQ), was certified as complete by the Department of City Planning on December 3, 2007 and was duly referred to Community Board 7 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 non-ULURP applications (N 070179 ZAQ, N 070180 ZAQ, N 070181 ZAQ, N 070182 ZCQ, N 070460 ZCQ), which were sent to the Community Board 7 and the Borough President for information and review.

COMMUNITY BOARD PUBLIC HEARING

Community Board 7 held a public hearing on this application (C 060287 MMQ) on February 11, 2008, and on that day, by a vote of 32 to 4 with 1 abstention, adopted a resolution recommending approval of the application.

CITY PLANNING COMMISSION PUBLIC HEARING

On March 12, 2008 (Calendar No. 3), the City Planning Commission scheduled March 26, 2008 for a public hearing on this application (C 060287 MMQ). The hearing was duly held

on March 26, 2008 (Calendar No. 18) in conjunction with the hearing on the related actions (C 070174 ZMQ, C 070175 ZSQ, C 070178 ZSQ, N 070179 ZAQ, N 070180 ZAQ, N 070181 ZAQ, N 070182 ZCQ, and N 070460 ZCQ).

There were no speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 060287 MMQ), in conjunction with the related authorizations and applications (C 070174 ZMQ, C 070175 ZSQ, C 070178 ZSQ, N 070179 ZAQ and N 070181 ZAQ), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York city Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-082.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

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

A full consideration of the issues and the reasons for approving this application appears in the report on the related application for the zoning map change (C 070174 ZMQ).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 060287 MMQ) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 7, Borough of Queens, in accordance with Map No. 4990 dated October 31, 2006, and signed by the Borough President, is approved; and be it further

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

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 4990 dated October 31, 2006 providing for the discontinuance and closing of a portion of 115th Street north of 14th Avenue, more particularly described as follows:

DISCONTINUING AND CLOSING OF A PORTION OF 115TH STREET NORTH OF

14TH AVENUE

Starting at a **Point of Beginning** located at the northerly street line of 14th Avenue, said point being distant 681.48 feet easterly from the intersection of the easterly street line of 112th Street and the northerly street line of 14th Avenue, as those streets were hereinbefore laid out on the City Map;

1. Running thence easterly, along the newly proposed northerly street line of 14th Avenue, a distance of 30.00 feet to a point on the newly proposed westerly street line of 115th Street;
2. Running thence northerly, along the newly proposed westerly street line of 115th Street, forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 350.00 feet to a point;
3. Running thence westerly, along the newly proposed street line of 115th Street, forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 30.00 feet to a point;
4. Running thence southerly, along the former westerly street line of 115th Street, discontinued and closed, forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 350.00 feet to the **point of beginning**; and be it further

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

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4990 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning

Commission (the mapping agreement). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and

- c. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 060287 MMQ), duly adopted by the City Planning Commission on April 23, 2008 (Calendar No. 7), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq. Vice Chair

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

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JOHN MEROLO, KAREN A. PHILLIPS, Commissioners