



CITY PLANNING COMMISSION

April 23, 2008 / Calendar No.9

C 070175 ZSQ

IN THE MATTER OF an application submitted by College Point Holdings I, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- 1) Section 78-351 (Common open space and good site plan) to modify the allowed residential floor area to 1.0 and open space ratio to 66.5;
- 2) Section 78-352 (Bonus for community facility space) to modify the permitted residential floor area to 1.15 and open space ratio to 54.7; and
- 3) Section 78-353 (Bonus for enclosed parking) to increase 0.25 to the permitted residential floor area and decrease 14.5 to the open space ratio over the amount earned by other provisions of Section 78-35;

to facilitate the development of a 100-unit large scale residential development located at the northwest corner of the intersection of 14th Avenue and 115th Street (Block 4035, Lot 1), in an R4 District, Borough of Queens, Community District 7.

This application for the grant of a special permit to allow three different bonuses within a large scale residential development was filed by College Point Holdings I, LLC on October 27, 2006 to facilitate the construction of a 91-unit Large Scale Residential Development on an approximately 2 acre parcel located in College Point, Queens Community District 7. The application was subsequently revised on March 20, 2008 to reflect the construction of a 100-unit Large Scale Residential Development.

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 (CPC) on the following applications which are being considered concurrently with this application:

C 060287 MMQ Elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue;

- C 070174 ZMQ Changing an M1-1 District to an R4 District, property bounded by a line 350 feet northerly of 14th Avenue, the former centerline of 115th Street , 14th Avenue and a line 240 feet westerly of 115th Street;
- C 070178 ZSQ Special permit pursuant to Section 78-321(d) of the Zoning Resolution 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 An 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

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

ENVIRONMENTAL REVIEW

This application (C 070175 ZSQ), in conjunction with the related authorizations and applications (C 060287 MMQ, C 070174 ZMQ, C 070178 ZSQ, N 070179 ZAQ and N 070181 ZAQ) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP070Q.

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 070175 ZSQ), in conjunction with the related actions (C 060287 MMQ, C 070174 ZMQ, and 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 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 and N 070181 ZAQ) which were referred for information and review.

Community Board Review

Queens Community Board 7 held a public hearing on this application on February 11, 2008 and on that date, by a vote of 32 to 4 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 070175 ZSQ) was considered by the Borough President, who issued a

recommendation approving the application on April 7, 2008.

City Planning Commission Public Hearing

On March 12, 2008 (Calendar No. 5), the City Planning Commission scheduled March 26, 2008 for a public hearing on this application (C 070175 ZSQ). The hearing was duly held on March 26, 2008 (Calendar No. 20) in conjunction with the public hearing on the related actions (C 070174 ZMQ, C 070178 ZSQ, and C 060287 MMQ).

There was 1 speaker, as described in the report on the related application for an amendment of the Zoning Map (C 070174 ZMQ), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 070175 ZSQ), in conjunction with the related authorizations and applications (C 060287 MMQ, C 070174 ZMQ, 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 Commission believes the grant of this special permit is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, as modified, appear in the report on the related application for a zoning map amendment (C 070174 ZMQ).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments) of the Zoning Resolution:

- (a) throughout the development the site plan provides a significantly better arrangement of the buildings in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private open spaces and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;
- (b) the public facilities and utilities in the area are adequate to meet the needs of the development or that needed additional facilities will be provided as a part of the development by the developer or owner;
- (c) the development complies with the provisions of 78-351 (Bonus for common open space and good site plan); and
- (d) a large scale residential development having an area of 4 acres or more complies with the provisions of Section 78-352 (Bonus for community facility open space).

The City Planning Commission also makes the following findings pursuant to Section 78-313 (e) of the Zoning Resolution:

- (e) where portions of the total required open space are pooled in common open space areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service of advantages for which such pooled areas are designed.

The City Planning Commission also makes the following findings pursuant to Section 78-52

(Common Open Space) of the Zoning Resolution:

- (a) it shall be conveniently accessible to all residents of zoning lots for which it is intended to satisfy the open space requirements;
- (b) it shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule;
- (c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;
- (d) provisions to insure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common open space;
- (e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;
- (f) it may contain only obstructions as are specifically permitted under the provisions of Section 23-12 (Permitted Obstructions in Open Space) or minor accessory structures, and the total area occupied by driveways, private streets, or open accessory off-street parking spaces in all areas claimed as common or private open space throughout the development shall not exceed 50 percent of the total required open space for the development; and
- (g) such open space shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the development. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall

be designed to provide the maximum possible area appropriate to the size of the development.

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 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by College Point Holdings1, LLC, for the grant of a special permit pursuant to the following Sections of the Zoning Resolution:

- 1) Section 78-351 (Common open space and good site plan) to modify the allowed residential floor area to 1.0 and open space ratio to 66.5;
- 2) Section 78-352 (Bonus for community facility space) to modify the permitted residential floor area to 1.15 and open space ratio to 54.7; and
- 3) Section 78-353 (Bonus for enclosed parking) to increase 0.25 to the permitted residential floor area and decrease 14.5 to the open space ratio over the amount earned by other provisions of Section 78-35;

to facilitate the development of a 100-unit large scale residential development located at the northwest corner of the intersection of 14th Avenue and 115th Street (Block 4035, Lot 1), in an R4 District, Borough of Queens, Community District 7, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 070175 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 Ismael Leyva, Architects, P.C. and Thomas Balsley Associates / Landscape Architect, filed with this application and incorporated in this resolution:

<u>Drawing #</u>	<u>Title</u>	<u>Last Date of Revision</u>
Z-5	Zoning Analysis	April 8, 2008
Z-6	Requested Actions/Zoning Comparison	March 20, 2008
S-1	Site Plan	March 20, 2008
S-2	Zoning Lot Subdivision	April 3, 2008
S-3	Open Space Coverage analysis	March 20, 2008
S-4	Yard and Street Wall Analysis	April 25, 2007
S-5	Height Analysis Plan	March 20, 2008
S-6	Height Analysis Sections	March 20, 2008
L-1	Landscape Concept Plan	April 25, 2007
L-3	Garden Court and Entrance Planting	April 25, 2007
L-4	Streetscape Planting Plan	April 25, 2007
Drawing 2	Proposed Improvement to Hermon A. MacNeil Park	February 6, 2008
A-1	Cellar Floor Plan	April 8, 2008

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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
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. 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 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.

7. 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 070175 ZSQ), duly adopted by the City Planning Commission on April 23, 2008 (Calendar No. 9), 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, BETTY Y. CHEN, MARIA DEL TORO,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners