



IN THE MATTER OF an application submitted by Flushing Commons LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-743 (Special provisions for bulk modification), relating to open space, in General Large Scale Developments in C4-4 Districts in the Borough of Queens, Community District 7.

This application (N 100210 ZRQ) for an amendment to the Zoning Resolution was filed by Flushing Commons LLC on January 12, 2010. The proposed text amendment would allow modification of open space regulations within a proposed General Large Scale Development (GLSD) in a C4-4 District to facilitate the construction of an approximately 1.16 million square foot mixed use development, known as Flushing Commons in Downtown Flushing, Queens Community District 7.

RELATED ACTIONS

In addition to the application for the amendment of the New York City Resolution that is the subject of this report (N 100210 ZRQ), 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:

- C 100206 PPQ** Disposition of city-owned property

- C 100207 ZMQ** Rezoning of an entire block (4978, Lots 25 & 46) from C4-3 to C4-4.

- C 100208 ZSQ** Special permits pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD)

- C 100209 ZSQ** Special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces

- N 100211 ZRQ** Zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors

- C 100212 ZSQ** Special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces
- C 100213 ZSQ** Special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces
- C 100214 ZSQ** Special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces
- N 100215 ZCQ** Chair certification pursuant to Section 62-811 relating to waterfront public access and visual corridors

BACKGROUND

The applicant, Flushing Commons LLC requests an amendment of the New York City Zoning Resolution relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments in C4-4 Districts to facilitate the construction of Flushing Commons, a proposed 1.16 million mixed use development on an approximately 5-acre site on a block bounded by 37th Avenue, Union Street, 39th Avenue and 138th Street in Downtown Flushing, Queens.

A full background discussion and project description appears in the report on the related application for a special permit (C 100208 ZSQ).

ENVIRONMENTAL REVIEW

This application (N 100210 ZRQ), in conjunction with the related actions (C 100206 PPQ, C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100211 ZRQ, C 100212 ZSQ, C 100213 ZSQ, C, 100214 ZSQ, N 100215 ZCQ, C 100216 HAQ) 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 06DME10Q. The lead is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a special permit (C 100208 ZSQ).

PUBLIC REVIEW

On January 25, 2010, this text change application (N 100210 ZRQ), along with the related-non ULURP applications (N 100211 ZRQ and N 100215 ZCQ), was duly referred to Community Board 7 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (N 100210 ZRQ) on April 5, 2010. A full discussion of the Community Board 7 resolution appears in the report on the related application for a special permit (C 100208 ZSQ).

Borough President Recommendation

This application (N 100210 ZRQ) was considered by the Queens Borough President. A full discussion of the Borough President's resolution appears in the report on the related application for a special permit (C 100208 ZSQ).

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 8), the City Planning Commission scheduled May 12, 2010 for a public hearing on this application (N 100210 ZRQ). The hearing was duly held on May 12, 2010 (Calendar No. 23).

There were a number of appearances, as described in the report on the related application for a special permit (C 100208 ZSQ), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report in the related application for a special permit (C 100208 ZSQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 11, 2010, with respect to this application (CEQR No. 06DME10Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations 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 environmental impact statement will be minimized or avoided to the maximum extent possible 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 617.9(c)(3) of the SEQRA regulations; 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 Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

*** indicated where unchanged text appears in the Zoning Resolution

3/26/98

74-743

Special provisions for bulk modification

- (a) For a #general large-scale development#, the City Planning Commission may permit:
- (1) Distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
 - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;\
 - (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and
 - (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2, or C6-3 District within the boundaries of Community District 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of paragraph (a) (4) of this Section shall be

calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.

(5) In an #Inclusionary Housing designated area# in a C4-6 or C5 District:

- (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
- (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #lower income housing# required pursuant to Section 23-942;

* * *

(b) In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:

* * *

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a) (4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general-large scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;

* * *

The above resolution (N 100210 ZRQ), duly adopted by the City Planning Commission on June 23, 2010 (Calendar No. 6), 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, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, Commissioners

MARIA M. DEL TORO, Commissioner, Recused

KAREN A. PHILLIPS, Commissioner, Voted No



Community Board 7

Borough of Queens

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Mr. John Young

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Eugene T. Kelty, Jr.
Chairperson

Marilyn Bitterman
District Manager

April 6, 2010

RE: FLUSHING COMMONS & MACEDONIA PLAZA

Dear Director Young:

Community Board #7 Queens met last night in order to vote on the numerous ULURP applications and BSA Special Permit for the above captioned projects.

The Community Board passed a motion to approve the overall concept of the Large Scale Development known as Flushing Commons and the Macedonia Plaza project with stipulations as explained in the attached documentation:

- 1) Committee Chairperson Charles Apelian's Committee Report dated April 5, 2010,
- 2) Letter from Deputy Mayor for Economic Development, Robert C. Lieber, dated April 5, 2010,
- 3) Letter sent to then Councilman John Liu from Daniel L. Doctoroff, Deputy Mayor for Economic Development and Rebuilding,
- 4) Community Board #7 Resolution dated December 13, 2004.

The vote on this motion was as follows:

APPROVED – 35 OPPOSED – 2 ABSTAINED – 1 CONFLICT

In addition, the Community Board voted on two (2) text changes, which are non-ULURP items (N-100210-ZRQ & N-100211-ZRQ). Both of these items passed.

Attached are the individual votes for each ULURP Item and for the BSA Special Permit.

Sincerely,

Eugene T. Kelty, Chairperson