



CITY PLANNING COMMISSION

June 23, 2010 / Calendar No. 11

C 100216 HAQ
CORRECTED

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 14-story building, tentatively known as Macedonia Plaza with approximately 140 residential units, Borough of Queens, Community District 7.

Approval of three separate matters is required:

1. The designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development.

The application for the Urban Development Action Area designation, project approval and disposition of city-owned property was filed by the Department of Housing Preservation and Development on January 12, 2010.

Approval of this application would facilitate construction of a 14-story, 140-unit affordable housing building known as Macedonia Plaza with ground floor commercial and community facility uses.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS:

C 100207 ZMQ Application for an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District.

BACKGROUND

The Department of Housing Preservation and Development (HPD) is seeking approval of an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of city-owned property to facilitate the new construction of a 14-story, 140-unit affordable housing project with ground floor commercial and community facility uses known as Macedonia Plaza.

The project site (Block 4978, p/o Lot 25) is a city-owned parcel located in Downtown Flushing at the southwest corner of Union Street and 37th Avenue. The parcel is currently part of the New York City Department of Transportation's (DOT) Flushing Municipal Parking Lot #1 (Block 4978, Lot 25) on a block bounded by 37th Avenue to the north, 39th Avenue to the south, Union Street to the east, and 138th Street to the west. A portion of Block 4978 located immediately adjacent to the project site is occupied by an existing house of worship, the Macedonia African Methodist Episcopal (AME) Church (Block 4978, Lot 46).

The project site represents only a portion of the approximately 5-acre parking facility. The portion of the parking facility situated outside of the Macedonia Plaza project site is the subject of separate ULURP applications filed by the NYC Economic Development Corporation for a proposed large-scale mixed-use development known as Flushing Commons.

Currently, the Flushing Municipal Parking Lot #1 consists of a total of 1,101 metered parking spaces on two levels which include 451 spaces designated for long-term commuter parking, 578 spaces for short-term parking and 72 spaces for monthly permit holders.

The site is currently zoned C4-3, as are the immediately surrounding blocks to the west, north and south. Properties west of the site, across 138th Street contain a 6-story bank building, several other 2- to 4-story commercial structures and a recently completed 12-story mixed use development. Properties immediately north of the site across 37th Avenue include an 11-story condominium building, and commercial and retail uses along the west side of Union Street. Properties south of the site along 39th Avenue include a 4-story office building and a 7-story office/condominium building.

The area east of the site, across Union Street, is zoned R6 and contains community facility uses and several large residential buildings, including 7- and 11-story condominium buildings.

Downtown Flushing is intersected by three of the borough's principal commercial corridors which include Main Street, Northern Boulevard and Roosevelt Avenue. Main Street, located one block west of the site, is a thriving commercial and retail hub that attracts heavy pedestrian and vehicular traffic. Downtown Flushing enjoys exceptional mass transit access via commuter rail, subway, and bus service to the Main Street-Flushing transportation hub. Commuter rail service via the Port Washington Branch of the Long Island Rail Road (LIRR), the #7 Subway line, and the routes of over twenty NYCTA bus lines all converge at the Main Street-Flushing terminus.

Project Description

The project site consists of 30,140 square foot parcel and the adjacent, existing 11,350 square foot Macedonia AME Church, totaling 41,490 square feet. The proposed development, known as Macedonia Plaza, is related to the Flushing Commons zoning map amendment application (C 100207 ZMQ) submitted by the NYC Economic Development Corporation (EDC) and Flushing Commons LLC, to rezone the entire block from an existing C4-3 zoning district to a C4-4 zoning district to facilitate the Flushing Commons development, an approximately 1.16 million square foot, five-building mixed-use development proposed on most of the block. C4-4 and C4-3 districts are general commercial districts, generally mapped in regional shopping and

business districts. C4-4 and C4-3 districts permit the same maximum floor area ratio (FAR) of 3.40 for commercial uses. However, C4-4 districts permit a maximum 6.5 FAR for community facility uses and 3.44 for residential use, while C4-3 districts permit a maximum 4.8 FAR and 2.43 FAR, respectively.

The related zoning map amendment application would increase the allowable maximum density for residential use from 2.43 FAR to 3.44 FAR. That application and the application which is the subject of this report, would facilitate the development of the proposed 154,880 square foot, 14-story, 140-unit rental building with 125,446 square feet of residential space. The 140 units within the building would be affordable to residents earning up to 60% of the AMI. The proposed building would also contain approximately 7,293 square feet of ground floor retail space along Union Street and 37th Avenue, and approximately 5,828 square feet of community facility space intended to accommodate a day care facility. In addition, the existing AME church building would undergo a 5,628 square foot expansion of the existing community facility space.

The proposed building will generally have a 5-story base street wall along 37th Avenue and Union Street frontages, with a portion having a landscaped open area above the first floor along 37th Avenue. After setbacks, the maximum building height will be approximately 14-stories. Similarly, the street wall along Union Street will rise up to five stories before reaching the maximum building height of 134' (14 stories).

Approximately 18,834 square feet of open space is proposed primarily around the north, west and south sides of the existing Macedonia AME Church. In addition, 14 new trees will be planted along 37th Avenue and Union Street to complement 3 existing trees for a total of 17 trees.

The proposed does not comply with the regulations associated with Zoning Resolution Sections 23-142, 23-632, 36-352, and 36-21 pertaining to minimum open space ratio, height and setback limits, and minimum accessory parking spaces. In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a governmental function. The proposed development has received a bicycle waiver pursuant to Section 25-86 (Waiver or Reduction of Spaces for Subsidized Housing), for the required 72 bicycle parking spaces.

The proposed Macedonia Plaza project also requires a Board of Standards and Appeals (BSA) special permit pursuant to ZR Section 73-66 (Height Regulations around Airports) for modification of height regulations applying to areas around major airports.

ENVIRONMENTAL REVIEW

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

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on May 17, 2006, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on June 21, 2006, and the Final Scope of Work for the DEIS was issued on December 4, 2009.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on January 20, 2010. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on May 12, 2010, in conjunction with the public hearing on this ULURP item (C 100216 HAQ) and the Flushing Commons applications (C 100206 PPQ, C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100210 ZRQ, N 100211 ZRQ, C 100212 ZSQ, C 100213 ZSQ, C 100214 ZSQ).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on June 11, 2010. The Notice of Completion for the FEIS identified

significant adverse impacts and proposed mitigation measures that are summarized in the FEIS Executive Summary attached to the lead report for Flushing Commons (C100208ZSQ).

UNIFORM LAND USE REVIEW

This application (C 100216 HAQ), in conjunction with the applications for the Flushing Commons proposal (C 100206 PPQ, C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, C 100212 ZSQ, C 100213 ZSQ, C 100214 ZSQ) was certified as complete by the Department of City Planning on January 25, 2010, 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).

Community Board Public Hearing

Community Board 7 held a public hearing on this application on March 22, 2010 and by a vote of 35 in favor, 2 opposed and 1 abstention unanimously recommended approval of the application with the following conditions:

- The Affordable Housing Complex must provide parking. It is unconscionable to build 140 units of housing in downtown Flushing and not provide any parking. Where will these residents park? Where will the Congregants of the Macedonia Church park once free Sunday parking is eliminated in Muni Lot #1? There is a great concern the Church is creating a parking and traffic nightmare on Union Street that will not be able to be mitigated.
- The 7,500 SF Retail Component should be eliminated and this space should be replaced with approximately 10-12 additional housing units or Community Space. There will be 300,000 SF of new Retail space provided in Flushing Commons; the proposed Macedonia retail space is duplicitous.
- There is a shortage of Senior Housing in Downtown Flushing; therefore, we want Senior Affordable Housing included in this building.
- The project is in close proximity south of the Union Street Merchants. Construction of Macedonia Plaza should be delayed to allow customer parking for Union Street Merchants.

Borough President Recommendation

The Borough President held a public hearing on this application (C 100216 HAQ) on April 20, 2010 and issued a report on April 26, 2010 recommending approval of the application.

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 13), the City Planning Commission scheduled May 12, 2010, for a public hearing on this application (C 100216 HAQ). The hearing was duly held on May 12, 2010 (Calendar No. 28), in conjunction with the hearing on the Flushing Commons proposal (C 1002016 PPQ, C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100210 ZRQ, N 100211 ZRQ, C 100212 ZSQ, C 100213 ZSQ, and C 100214 ZSQ). There were 44 speakers that appeared in favor of this application and the related Flushing Commons applications and nineteen speakers in opposition. No speakers appeared in opposition to the Macedonia Plaza project.

Speakers in favor included the senior policy advisor to the NYC Deputy Mayor for Economic Development, the project's developer, his architect, landscape architect, partner, the Senior Vice President of the YMCA, the assistant commissioner of HPD, representatives from EDC, local construction and labor unions, the Flushing Chamber of Commerce, the Queens Borough President's Office, the Chief of Staff for Councilmember for the 20th District, and the President of the Queens Borough Neighborhood Association among other community groups, members of the Macedonia AME Church and local residents.

The speakers who expressed support of the development of Macedonia Plaza included 15 members of the Macedonia AME Church who spoke about the great need for affordable housing in the area and the church's long history of sponsoring programs to serve the community. The representative from HPD and the minister of the church also spoke in favor of the proposed project, describing the project's history and the financing associated with the development of the proposed project. Many other speakers in favor of the Flushing Commons project as a whole also supported the affordable housing component of Macedonia Plaza.

Several speakers were concerned about the lack of parking being provided for Macedonia Plaza. They stated that the proposed project needed to provide some parking to meet the demand for commercial parking spaces in the area and to accommodate new residents. Others believed that there should be no ground floor retail uses and that the ground floor space should be used to provide more affordable housing, particularly senior housing.

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

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval, and disposition of a portion of a city-owned property (C 100216 HAQ), located at 37-10 37th Avenue (Block 4978, p/o lot 25) is appropriate.

The Commission notes that the proposed UDAAP designation would facilitate the development of a 14-story building which would be compatible in height and bulk to nearby buildings, and would complement the proposed Flushing Commons development. The Commission further notes that the proposed building would contain 140 affordable residential units, approximately 7,293 square feet of ground floor retail, approximately 5,828 square feet of community facility space and 18,834 square feet of open space. The Commission believes that the provision of 140 residential units that will be affordable to low- and moderate-income households, and sponsored by a locally-based non-profit group is important to complement the 620 market-rate units that will be constructed by the Flushing Commons development.

In response to concerns raised by the public and Community Board 7 about the lack of parking on site, the Commission notes that the area is well-served by mass transit, buses and rail. The Commission further notes that the adjacent proposed Flushing Commons development will provide a total of 1,600 public parking spaces which will replace the 1,101 parking spaces presently in the municipal lot.

The Commission understands Community Board 7's concerns about the shortage of senior housing, and notes that the proposed Macedonia project will be affordable to families and

individuals, including senior citizens. The Commission believes that the project will help address the need for affordable housing in the area.

The Commission is aware that City agencies have met frequently with Community Board 7 and its leadership in an effort to better understand the community board's concerns during the construction period of Macedonia Plaza and the related Flushing Commons project. The Commission believes that Community Board 7's concern related to parking for Union Street merchants will be addressed with the continued dialogue with the involved City agencies aimed at addressing parking and other issues during the construction phase of this project. The Commission is encouraged by the interim parking plan that would be implemented to benefit both the Macedonia Plaza and Flushing Commons projects during the construction period.

With respect to Community Board 7's condition that the proposed 7,500 square foot retail component be eliminated and replaced with housing or community facility space, the Commission believes that additional retail and services will contribute to the area's vitality and that these uses will be a valuable asset to the proposed project and the community as a whole.

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of a portion of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) The designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) as an Urban Development Action Area; and
- b) an Urban development Action Area Project for such area;

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 37-10 37th Avenue (Block 4978, part of lot 25) in Community District 7, Borough of Queens, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C100216 HAQ).

The above resolution (C 100216 HAQ), duly adopted by the City Planning Commission on June 23, 2010 (Calendar No. 11), 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, 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,
KAREN A. PHILLIPS (supporting statement attached), Commissioners
MARIA M. DEL TORO, Commissioner, Recused

STATEMENT OF COMMISSIONER KAREN A. PHILLIPS

MACEDONIA PLAZA

Macedonia AME Church has played a significant role in the Flushing Queens community throughout its long history on this site. The resilient members of the congregation have survived at this location against all forces- - from private market forces trading human lives, to changes in the character and occupants in the area surrounding their house of worship, to public actions that were intended to be improvement to their environment.

It is very important that with this change to the five acre city owned parking facility, that Macedonia be an active and integral participant. I commend the church's leadership and HPD for creating this opportunity for this faith based institution to become the developer of the mixed used project before the Commission. Providing affordable housing is an important component in community development and should become the springboard for Macedonia to become a more active participant in the changes which will take place as a result of the rebuilding of this site. A comprehensive approach to rebuilding this area means that the institutional strength of this Church and the non-profit organization they have established become involved in ensuring that jobs and the commerce generated by this project, and businesses to be located on and around the site in the future, incorporate all segments of the Flushing community. In serving 'the least of these' with affordable housing, it is prudent for Macedonia AME Church to prepare residents to fully participate in the mainstream economy so that they can be better prepared to address their own needs in the future. This is a critical issue for community building as public resources, supply of land for new projects and subsidies dwindle. Economic development and empowerment of people is an important part of community sustainability.

This project must go forward, hopefully integrating with the future uses, commerce and residents of the larger Flushing Commons site. To conclude, all income levels of the Macedonia AME membership would greatly benefit from the inclusion of an affordable, work force housing component within Flushing Commons which would create additional housing opportunities and the potential for growth in the church membership thus strengthening this important institution.

The housing development by Macedonia continues their legacy of survival and I support this faith based effort to prepare for the better future for all of Flushing.

I vote YES on Item 11.

Queens Borough President Recommendation

APPLICATION: ULURP C100216 HAQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
 2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;
- to facilitate development of a 14-story building, tentatively known as Macedonia Plaza with approximately 140 units. (Related items: ULURP# C100207 ZMQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 20, 2010 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were fifteen (15) speakers in favor and thirteen (13) speakers opposed to the application. The hearing was closed.

CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- This application is requesting designation of an Urban Development Action Area, Urban Development Action Area Project (UDAAP), and disposition of city-owned property to facilitate construction of Macedonia Plaza, a 14-story approximately 140-unit affordable housing project with commercial and community facility space;
- The proposed Macedonia Plaza project would consist of a 14-story, approximately 140-unit affordable rental units, with approximately 125,446 sf of residential space comprised of a mix of one-, two- and three-bedroom apartments, approximately 7,293 sf of ground-floor retail spaces along Union Street and 37th Avenue, and approximately 5,858 sf of community facility space to house a day care facility. The project would provide approximately 18,834 sf of gated open space that would be located primarily around the north, west and south sides of the existing Macedonia AME Church. In addition, fourteen (14) new street trees will be planted along 37th Avenue and Union Street;
- The apartments would be affordable to families, individuals including senior citizens with incomes up to 60% Area Median Income (AMI). The affordable housing units would be awarded by lottery to individuals and families as follows: 50% of total number of units for Community Board #7 residents, 7% for persons with disabilities, and 5% for municipal employees. The application and selection process would be monitored and supervised by the Department of Housing Preservation and Development (HPD) and the Housing Development Corporation (HDC);
- The project site consists of a city-owned 30,140sf parcel that is adjacent to the existing 11,350 sf Macedonia AME Church site. The added parcel would result in a 41,490 sf zoning lot for the Macedonia Plaza project located in the northeast portion of the approximately 5-acre Flushing Municipal Parking #1 facility. The remaining portion of the parking facility is the subject of separate ULURP actions concurrently under review for a proposed large-scale mixed-use development known as Flushing Commons. The site is currently zoned C4-3. One of those actions (ULURP # 100207 ZMQ) proposes rezoning of the entire 5-acre parcel to a C4-4 district which includes the Macedonia Plaza project site;
- Downtown Flushing is the major intermodal transit hub of northeast Queens. The rezoning site is one block north of the Flushing-Main Street station, the terminus of the No 7 Flushing line, within four blocks of the Long Island Rail Road Flushing Main Street Station, and central to over 20 radial bus routes connecting to various sections of eastern Queens, Manhattan, the Bronx, and Nassau County. Also La Guardia Airport is located approximately four miles northeast of the site. The Main Street and

QUEENS BOROUGH PRESIDENT RECOMMENDATION
ULURP #C100216 HAQ
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Roosevelt Avenue intersection has been identified as the third busiest pedestrian intersection in New York after Times Square and Herald Square. The Department of Transportation (DOT) has been studying and designing traffic circulation improvements for Downtown Flushing for years. DOT will implement a modified 2-way pedestrian and traffic improvement program in July 2010 for a 6-month trial to address longstanding congestion, traffic circulation and pedestrian safety issues;


- The block that includes the subject site is located in the heart of Downtown Flushing. The immediate surrounding area is currently zoned C4-3 and developed with a mix of commercial and residential uses and community facilities. The recently completed 12-story Queens Crossing is a mixed-use development located directly across 138th Street, between 38th and 39th Avenues. The block immediately east of the block is developed with a mix of commercial and residential uses as well as the 109th Police Precinct directly across Union Street. The Lippmann Arcade, a pedestrian passageway, connects the south of the subject block to Roosevelt Avenue. Development around the intersection of Main Street and Roosevelt Avenue includes a variety of national and regional chain stores, as well entrances on each of the corners of the intersection to the No. 7 subway station. The LIRR station is one block farther south at Main Street and 40th Road. A variety of institutional uses are located throughout the area amongst residential and commercial uses including public schools, hospitals, religious institutions, senior housing facilities, and community centers. Additional municipal parking facilities are located immediately south of the LIRR station on 41st Avenue (Municipal Lot 3), at the northeast corner of 39th Avenue and Prince Street (Municipal Lot 2) and under the Northern Boulevard Viaduct (Municipal Lot 4). The site is located within the "flight obstruction area" for LaGuardia Airport;
- A Mayoral override to waive regulations pertaining to minimum open space ratio, height and setback limits and minimum accessory parking requirements will be issued. In addition, the proposed development has received a bicycle parking waiver for the required total of 72 bicycle parking spaces pursuant to ZR 25-86 "Waiver or Reduction of Spaces for Subsidized Housing". These waivers are needed to allow for the development of the project site and to support the financial feasibility of the proposed affordable housing;
- Community Board 7 (CB 7) approved this application with conditions by a vote of thirty-eight (38) in favor with none (0) against and none (0) abstaining at the Community Board meeting held on April 5, 2010. CB 7's conditions of approval for the proposed Macedonia Plaza affordable housing project were as follows: the affordable housing complex must provide parking; the 7,500 sf retail component should be eliminated and the space be replaced with additional housing units or community space; senior affordable housing be included; and construction of Macedonia Plaza should be delayed to allow customer parking for Union Street merchants.

RECOMMENDATION

My office has worked very closely with the Mayor's Office, city agencies from the inception of the plan to redevelop Flushing Municipal Lot #1. I made a strong request to the Deputy Mayor's Office that a portion of the municipal parking lot should be set aside for the Macedonia AME Church to develop much needed affordable housing as a complement to the market rate housing that would be part of the redevelopment. The proposed 140 units of affordable housing at Macedonia Plaza are much needed and will serve the needs of the diverse population of Community Board 7 and New York City.

Based upon the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Rade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C100216HAQ
CEQR # 06DME010Q
Community District No. 07 Borough: Queens
Project Name: Macedonia Plaza

INSTRUCTIONS

1. Complete this form and return one copy date to the Calendar Information Office City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed above, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 5) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25) in Queens Community District 7 as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 6) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 14-story building, tentatively known as Macedonia Plaza with approximately 140 units.

Related Applications: C 100207 ZMQ

Applicant(s):

NYC Dept. of Housing Preservation & Development
100 Gold Street
New York, NY 10038

Applicant's Representative:

Michael Polo
NYC Dept. of Housing Preservation and Development
100 Gold Street
New York, NY 10038

Community Board No. 7 Borough: QUEENS

Borough Board of _____

Date of public hearing: MARCH 22, 2010

Location: UNION PLAZA CARE CENTER
33-23 UNION STREET, 1st FL, FLUSHI

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: APRIL 5, 2010 location: SAME

RECOMMENDATION

Approve

Approve With Modifications/Conditions SEE ATTACHED

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

MOTION - TO APPROVE AS PER THE ATTACHED LETTERS AND COMMITTEE REPORT.

Voting

In Favor: 38 Against: 0 Abstaining: 0 Total members appointed to the board: 50


Community/Borough Board Officer

CHAIRPERSON
Title

APRIL 6, 2010
Date

v.012006w

TO: Gene Kelty – Chairman CB#7 Queens
FROM: Chuck Apelian
RE: FLUSHING COMMONS – Macedonia Plaza Affordable Housing
DATE: April 5, 2010

Our Committee met numerous times since these projects were certified on January 25, 2010 (Attendance Sheets in File). After exhaustive presentations and detailed questioning, our Committee voted to conditionally approve these projects as per the attached Letter of Agreement from Deputy Mayor Robert Lieber dated April 5, 2010 (DM LETTER), and our following stipulations:

POLICE

- We want a Letter of Agreement signed by the NYPD Commanding Officer of 109th Precinct and NYPD Queens North Borough Commander confirming terms #5 and #6 in DM LETTER.

PARKING/TRAFFIC

- We want the Parking Rate Structure *capped* in perpetuity as per the terms of the Doctoroff-Liu Letter of Agreement dated July 11, 2005 (DOCTOROFF LETTER).
- We want a plan addressing the permanent location and rates for Long Term Parking Needs of the Merchants and Workers of Flushing (including those of Flushing Commons).
- CB#7 must be included the Draft RFP process for the operation of Muni Lot #2.
- We need the ongoing support of Queens Borough President Helen Marshall and NYC CM Peter Koo to ensure the Small Business Interruption Plan is effective and allows all merchants the opportunity to remain open during the Construction period of both projects.
- If the Modified Two-Way Traffic Plan is deemed unsuccessful or insufficient by the agreed December 31, 2010 Trial conclusion date, we want NYC DOT to immediately implement the One-Way Pair approved by CB#7 and the Flushing Business Groups.

SIGNAGE

- We want Uniform Signage for all Commercial Space with English as Primary Language.

MACEDONIA PLAZA

- The Affordable Housing Complex must provide parking. It is unconscionable to build 140 units of housing in downtown Flushing and not provide *any* parking. Where will these residents park? Where will the Congregants of the Macedonia Church park once free Sunday parking is eliminated in Muni Lot #1? There is a great concern the Church is creating a parking and traffic nightmare on Union Street that will not be able to be mitigated.
- The 7,500 SF Retail Component should be eliminated and this space should be replaced with approximately 10 – 12 additional housing units or Community Space. There will be 300,000 SF of new Retail space provided in Flushing Commons; the proposed Macedonia retail space is duplicitous.
- There is a shortage of Senior Housing in Downtown Flushing; therefore, we want Senior Affordable Housing included in this building.
- The project is in close proximity south of the Union Street Merchants. Construction of Macedonia Plaza should be delayed to allow customer parking for Union Street Merchants.

YMCA

Everyone agrees the YMCA is a great community organization and a great fit for Downtown Flushing. However, the size and cost of their New Facility in Flushing Commons has increased subsequent to the terms of the DOCTOROFF LETTER. This comes at a price since other components promised in this project (i.e. Movie Theatre, National Bookstore, Business Class Hotel, capped parking rates) are no longer included. Also the YMCA remains in control of the sale of their existing Site on Northern Boulevard and Bowne Street, which could potentially cause problems for our Community if the property falls into the hands of the wrong developer.

Therefore, we believe YMCA has an obligation to the people of Flushing to agree to the following:

- CB#7 must have input and approval regarding sale of their existing Northern Boulevard Site.
- We want Open Enrollment in a Subsidized "Strong Seniors" program for Flushing residents.
- We want Subsidized Day Care Service for Flushing residents.
- We want Free Lunchtime use of Facility for workers in Downtown Flushing.
- We want Free designated time for "Open Pool-Free Swim" for Flushing residents.
- We want a Subsidized Summer Day Camp enrollment for Flushing residents.

INVESTMENT OF PURCHASE PRICE

On December 13, 2004, CB#7 *unanimously* passed the attached Resolution insisting the Proceeds of the Purchase Price of Flushing Municipal Lot #1 be reinvested into Capital Improvements and Programs for Downtown Flushing.

We the people who live and work in Flushing have made this land valuable, and the benefit of this value should remain within the community where it was created.

We also recognize NYC will benefit tremendously from the development of this site due to:

- a) An increase in NYC Real Estate Tax revenues generated by this development, an
- b) An increase in NYC Sales Tax revenues generated by additional retail commerce, and
- c) An increase in NYC Income Tax revenues generated by additional construction and permanent employment.

Therefore as part of the reinvestment into Downtown Flushing, we ask our Elected Officials to support us with the following needs:

- We want Extensions to the Mezzanine Corridor for the Main Street Subway Station extended North along Main Street to Queens Crossing (39th Avenue) and West along Roosevelt Avenue to Prince Street to alleviate congestion at the intersection of Main Street and Roosevelt Avenue (the third most congested pedestrian intersection in NYC).
- The City should purchase the current YMCA Parking Lot on Bowne Street^{57 Ave} and maintain its use for neighborhood parking.
- We want additional schools in the Downtown Flushing area, and the current YMCA Site on Northern Boulevard and Bowne Street should be retrofitted as a school.
- We want a Movie Theatre included in this project as per the DOCTOROFF LETTER.

Our Full Committee Vote was 14-3 to approve, and your Community Board Members in Committee voted unanimously 14-0 to approve.

Respectfully Submitted,

Chuck Apelian
Committee Chair - Flushing Commons - Macedonia Plaza
Land Use Co-Chair - CB#7
Vice Chair - Community Board #7



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

ROBERT C. LIEBER
DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

April 5, 2010

Councilman Peter Koo
135-27 38 Ave, Suite 388
Flushing, NY 11354

Chairman Eugene T. Kelty Jr.
Vice Chair Chuck Apelian
Queens Community Board #7
133-32 41st Road, Third Floor
Flushing, NY 11355

Dear Councilman Koo, Chairman Kelty, and Vice Chair Apelian:

The Flushing Commons and Macedonia Plaza projects should generate \$850 million in economic output from construction, and an estimated \$720 million in annual economic output from operations and expenditures into Downtown Flushing at a time when new jobs are most needed. The projects are the result of a comprehensive multi-year planning process involving City and State agencies, local and state elected officials, community members, advocacy groups, and local business leaders. The mixed-use development program will provide a broad range of benefits to the community including:

- Approximately 2,600 construction and 1,900 permanent jobs;
- 1.5 acres of public outdoor open space to support community sponsored cultural events and performances;
- A 62,000-square foot, state-of-the-art YMCA which will include a full size gym/basketball court, running track, two pools, daycare and a significant youth center;
- 36,000 additional square feet of community space;
- The creation and implementation of a comprehensive strategy to identify local businesses and residents to work on the project during and after construction;
- The use of low impact development techniques and green building technologies by the Flushing Commons developer to achieve LEED certification;
- \$2 million allocated to assisting small businesses affected by the construction of the project;
- A 1,600 space parking garage sized to meet parking demand and priced at below-market rates;
- Dynamic retail options that will complement existing retail supply, including outdoor cafes and seating areas;

- Parking capacity at Muni Lot 2 increased from 87 spaces to 275 spaces;
- 1,144 additional interim parking spaces within four blocks of Muni Lot 1 during construction;

Since January, this office, New York City's Economic Development Corporation (EDC), Department of Transportation (NYCDOT), Department of Housing Preservation and Development (HPD), and the developers of the Macedonia Plaza and Flushing Commons projects have met more than ten times with the Community Board and its leadership. During these meetings we have heard concerns regarding the following issues which I would like to address directly at this time. The purpose of this letter is to assure you that my office will work diligently to achieve the following:

Construction:

1. A liaison from the developers' construction management firm will be provided to interface with the community and meet on a monthly basis with Community Board 7, the Queens Borough President's Office and the Councilman before and during construction.
2. Construction workers will be expected to park on the site and will be encouraged to park at the Queens Crossing garage or other off-street parking facilities, and discouraged from parking on-street.

YMCA:

3. The YMCA will present to Community Board 7's land-use committee before the YMCA begins to market the sale of their Northern Boulevard property. The YMCA will also update the land-use committee on progress.

Business Interruption Plan:

4. We will work with Councilman Koo on the implementation of the small business assistance plan and will present the plan to the Queens Borough President and Queens Community Board 7's land-use committee.

Police Parking:

5. NYPD will make their best efforts to remove evidence vehicles expeditiously.
6. In the event that concerns arise around parking associated with the 109th Precinct, representatives from Patrol Borough Queens North, EDC and NYCDOT will address those issues with the community at the monthly District Service Cabinet Meetings.

Parking:

7. Muni Lot 2 will be reconstructed with stackers to provide 275 valet parking spaces and will be a public parking facility licensed by the New York City Department of Consumer Affairs.
8. The Flushing Commons parking garage will be a public parking facility licensed by the New York City Department of Consumer Affairs.

9. The 1,600 parking spaces in Flushing Commons will exceed the amount required by the RFP by 75 parking spaces. The combined total of 1,875 parking spaces in Flushing Commons and Muni Lot 2 will fulfill the understanding in the Doctoroff/Liu letter that all of the public parking spaces currently located on Site (1,101) will be replaced within the proposed development, and additional parking as required under C4-4 zoning (700) will be provided.
10. During the projected three-year construction period and for the first two years of operations after opening, Flushing Commons' and Muni Lot 2's parking rates will be capped as stipulated in the Doctoroff/Liu letter. Thereafter, parking rates will be competitive with other Queens retail centers.

School:

11. The School Construction Authority (SCA) assesses the school capacity need within each area of School District 25 annually and will adjust recommendations based on sustained trends. Downtown Flushing is part of a larger subdistrict of District 25 that SCA analyzes in developing capacity recommendations for the Department of Education's five-year capital plan. In September 2008, PS 244 opened and added approximately 350 seats to the Downtown Flushing area.

Movie Theater:

12. EDC will work with Queens Community Board 7, the Flushing BID and the Flushing Chamber of Commerce to encourage future developers of sites in Downtown Flushing to develop a multiplex movie theatre.

Traffic/DOT:

13. NYCDOT has already begun the installation of muni-meters in the downtown area – 136 muni-meters have replaced 863 single space meters along Northern Boulevard and the Avenues between Northern Boulevard and Roosevelt Avenue. The remaining 24 muni-meters will be installed on Main and Union Streets as soon as the planned sidewalk widening is completed. The Department is committed to working with the community and businesses to study all on-street parking options, including establishing loading zones and exploring the potential for commercial muni-meters within downtown Flushing.
14. Computerization of traffic signals along 14th Avenue, 20th Avenue, 32nd Avenue, 150th Street, 164th Street, Booth Memorial Avenue, College Point Blvd, Cross Island Parkway service roads, Francis Lewis Blvd, Kissena Blvd, Linden Place, Parsons Blvd, Sanford Ave, Union Street, Utopia Parkway, the Whitestone Expressway service roads, and Willets Point Blvd is well underway. To date, 310 of the 360 planned Advanced Solid State Traffic Controllers (ASTC) have been installed. The remaining 50 should be completed by September. The ASTCs are required to gain connectivity to the central computer system. The connections to the central computer network will begin in July. DOT anticipates full connection to the computer network

by the end of June 2011 as long as construction delays are not experienced. (Major weather events or other unforeseen circumstances cannot be predicted).

15. The pilot pedestrian and traffic improvement proposal for the downtown Flushing area will be implemented in July for a 6-month trial. The modified 2-way plan will be adjusted as traffic conditions and pedestrian activities are analyzed and will be coordinated with the MTA bus, NYCT bus and NYPD enforcement areas. The adjustments will be made in advance of the 6-month period as conditions warrant. Once sidewalks are expanded, future consideration, if warranted, of the one-way pairing of Main and Union Streets will be explored.
16. NYCDOT is planning to conduct a traffic monitoring program for the Downtown Flushing Traffic and Safety Improvement (the modified two-way operation) project. As part of the monitoring program, NYCDOT will collect pre- and post-implementation traffic data that will include Automatic Traffic Recorder (ATR) counts, vehicle turning movement/classification counts, pedestrian/bicycle counts, travel time and delay runs, and observation of field conditions (i.e., queues, congestions, etc.). Pre-implementation data will be collected in May/June 2010 and post data will be collected in the first, third and fifth months of the implementation. Field data and observations will be performed at up to fourteen critical intersections along Main Street, Union Street, Prince Street, Northern Boulevard, Roosevelt Avenue, and Sanford Avenue. Based on the analysis of traffic data and field observations, additional improvement measures, if warranted, will be implemented.

HPD/Macedonia

17. Macedonia Development Corporation (MDC) is in the process of finalizing its development team. HPD has been working with MDC to ensure an experienced development team is formed.

I look forward to working with you in developing a successful project. Please feel free to call with any questions.

Sincerely,



July 11, 2005

Honorable John C. Liu
20th Council District
135-27 38th Avenue, Suite 388
Flushing, NY 11354

Dear Council Member Liu:

We are pleased to confirm our understanding with respect to your support of the development of Municipal Lot #1 in Downtown Flushing (the "Site"), including your support for any public approvals that may be necessary in connection with the development contemplated in the Conditional Designation Letter agreed to by and between the New York City Economic Development Corporation ("NYCEDC") and the development team ("Developer") dated June 18, 2005. Your signature at the end of this letter will signify our understanding.

Need
CDL

As you know, development of the Site will be a high-quality mixed-use housing and commercial development. Design guidelines and recommended uses were formulated through a comprehensive planning process involving City and State agencies, local and State elected officials, community members, advocacy groups, and local business leaders. The mixed-use development program will address several important public goals for Downtown Flushing, including:

- Creating a town square-style open space that will be a center of community activity.
- Enhancing the pedestrian environment with street-level retail to attract shoppers east of Main Street.
- Addressing housing demand and helping to stabilize the retail market by establishing a new residential community downtown.
- Maintaining below-market rate parking on the Site both during and after construction.
- Serving as a clear example of high-quality, sustainable design and construction that will raise the standard for private investment in Downtown Flushing.

It is anticipated that after the Developer for the Site is announced, NYCEDC and the Developer will establish a Municipal Lot #1 working group. This working group will focus on effective communication and information sharing among the Developer, City agencies, local government officials and community and business representatives. The working group will be informed and engaged in the development process from project kick-off through the environmental review and the Uniform Land Use Review Procedure.

Together with your support within the working group and on future public approvals, the City intends to address the quality of life and other matters of community concern you have raised as follows:

1. Development Program/Tenant Mix

The intended development on the Site will include a vibrant street-level retail district including uses such as cafes, family-style restaurants, a bookstore, a multi-screen cinema, and other local and national retailers to expand shopping opportunities for Flushing residents. The development will also include a business-class hotel. The Developer will provide a public open space to be landscaped and utilized as a town square for Flushing. This space is to be located in the southwest quadrant of the Property and will be open to the public at all times of the day and year. The Developer will be responsible for the maintenance and security of this open space.

2. Parking

Subject to environmental review, all of the public parking spaces currently located on Site will be replaced within the proposed development, and additional parking as required under the C4-4 zoning will be provided. We will require that the deed from NYCEDC to the Developer contain a covenant that rates for the public parking spaces shall be no more than the following. For the first 2 years after opening of the development, rates (in 2004 dollars) shall be, at maximum, \$2 for one hour, \$3 for two hours, \$4 for three hours, and \$5 for 4 hours. Beginning in the third year of the development's operation, rates (in 2004 dollars) shall be, at maximum, \$3 for one hour, \$4 for two hours, \$5 for three hours, and \$6 for 4 hours. These rates include all taxes, fees and surcharges payable by the public.

To account for general market inflation, after the third year of the development's operation, the Developer may increase the public parking rates annually by an amount reflecting the greater of a) 3% annum, or b) annual increases in the Consumer Price Index to all Urban Consumers ("CPI-U"), published by the Bureau of Labor and Statistics of the United States Department of Labor, New York, N.Y. and Northeastern N.J. Area. Once the rates are included in the deed, there will be no change in public parking rates unless NYCEDC approves a modification to the deed. Upon notice from Developer requesting a modification to the deed, NYCEDC will review the request with the Flushing Business Improvement District ("BID") and the Department of Small Business Services ("SBS").

During construction, an interim parking plan will be implemented. This plan calls for the creation of hundreds of replacement public parking spaces in Downtown Flushing within a short walking distance to the Site, and the creation of a number of parking spaces on Site to be utilized by customers of businesses directly surrounding the Site. Offsite interim parking will be located at 39-08 Prince Street (approximately 300 cars) and at 37-02 College Point Boulevard (approximately 600 cars). The rates for the onsite interim parking spaces and the offsite interim parking spaces at 37-02 College Point Boulevard will mirror those specified for the first two years after opening of the development.

3. Business Improvement District ("BID")

The Developer will request that the Flushing BID expand its covered area to include the entirety of the site.

4. Community/Youth Center Space

We will require that the Developer provide a minimum of 50,000 gross square feet of compact and contiguous space with double-high ceiling heights to be used as a recreational facility for youth and families. This facility is to be provided to the recreation center tenant for \$0 in annual base rent. The tenant shall be responsible for common area charges and operating expenses, including water, electricity, garbage removal, security, and personnel. This facility shall be leased to the recreation center tenant for \$0 in annual base rent as long as the space remains a recreational facility.

In addition to providing the core and shell (described below), Developer shall provide a \$5,000,000 allowance for tenant improvements to the recreational facility. The base building shell and core shall include:

- A structural shell for a 10,000 square foot basketball court with a ceiling height of at least 28 feet.
- A hard floor surface smooth and level appropriate for a basketball court ready to receive tenant finishes.
- A structural shell for a 10,000 square foot swimming pool ready to receive tenant finishes. Ceiling height shall be at least 18 feet.
- Areas of the recreation center not utilized for the pool or gym shall be of sufficient height to allow for two floors of general-purpose space.
- The primary electrical service and panels connected to sub-panels providing adequate service for the tenant's needs, ready for tenant distribution within the premises.
- Base building and supplemental HVAC capacity adequate for the tenant's needs stubbed out at shafts and ready for tenant distribution within the premises.
- Sprinkler system including risers, panels and temper switches and main adequate for a temporary certificate of occupancy. Branch distribution and drops are to be provided by the tenant.
- Life safety systems and devices installed pursuant to the New York City Building Code throughout the core areas.
- Passenger elevators serving each floor, fully furnished with carpet, plastic laminate wall panels and stainless steel handrails on three sides or other equivalent finishes.
- Stairways installed pursuant to New York City Building Code. Stairwell walls to be painted. Handrail detail to be per Landlord specification. No floor covering.
- Sanitary and hot and cold-water piping roughed for bathrooms and showers ready for tenant installation of fixtures, tiling, etc.
- A main telephone trunk line and empty conduit to accommodate tenant telecommunications.
- The recreational facility premises cleaned, patched and finished to a reasonably uniform standard. All floors to be level and smooth ready to receive tenant's finish flooring. Any load bearing or other core walls will be installed and sheet-rocked taped and spackled and ready for the tenant's finishes. All partitions for bathrooms and elevator shafts to be slab to slab with acoustic insulation.
- A building entry lobby installed pursuant to Developer's specification, which shall be provided to the tenant.
- Security system to be installed at the tenant's expense.

5. Business Interruption Program ("BIP")

A BIP will be developed in conjunction with the New York City Department of Small Business Services to mitigate the impact of construction on the Site to surrounding businesses within a "construction impact zone." This BIP will reflect a comprehensive good-faith effort by NYCEDC to accommodate the concerns of the surrounding businesses and will include the allocation of \$2,000,000 for the creation and implementation of business outreach and other construction impact mitigation measures.

6. Local Outreach Plan/Hiring Strategy

Prior to construction, it is expected that the Developer will set up and host a variety of trade fairs and workshops, and seek assistance from area-wide minority and women-owned business associations (including, but not limited to, the Asian American Business Development Center, the Asian Women in Business Association, the Hispanic Chamber of

Commerce, and the Northeast Queens branch of the National Association for the Advancement of Colored People), local elected officials, the Flushing Chamber of Commerce and Business Association, the Korean American Association of Flushing, the Flushing Chinese Business Association, the Taiwan Merchants Association, and the Community Board to develop a comprehensive strategy to identify local businesses and residents that are looking for work in the construction and post-construction phases of the project. Additionally, upon completion of the project, it is expected that the Developer will actively pursue opportunities to participate in local hiring programs such as those provided by Workforce 1 Career Center, YMCA of Greater New York, LaGuardia Community College, New York Urban League, and the Consortium for Worker Education, Inc. to fill open positions with the development. In addition, it is expected that the Developer will strongly encourage the hotel operator and the retailers leasing space in the project to use these and other programs to assist them in hiring local workers.

The public parking, the community/youth center space, the business interruption program and other investments referred to above, as well as the public open space, and the fit-out allowance for tenant improvements to the additional community/cultural facility space are all components of the Municipal Lot #1 development agreed to in the signed Conditional Designation Letter with the Developer, or are the obligation of the Administration, but their costs are estimates derived from the overall costs of the development and other assumptions. Furthermore, the estimated value of the benefits, reflected in the attached chart labeled "Municipal Lot #1 Community Investments", is in no way linked to the sale price of the Municipal Lot #1 site or any other expense associated with the development of the site.

*M
IP/CM
March 10/05*

In addition to the investments described above, NYCEDC will also continue to implement other capital improvement projects in the Flushing area that, while not part of the Municipal Lot #1 development, do constitute new improvements for the Flushing community and are a product of the Downtown Flushing Development Framework. The type and estimated cost of these benefits are included in the attached chart labeled "Downtown Flushing Investments".

Our preparedness to address and implement the above items is, of course, dependent upon your support for development on the Site in the form described above. If the foregoing satisfactorily reflects our understanding, please sign a copy of this letter in the space provided below and return it to me at City Hall within the next three days.

Sincerely yours,

Daniel L. Doctoroff
Deputy Mayor for Economic
Development and Rebuilding

(212) 772 1081

Accepted and Confirmed:

John Liu
New York City Councilmember
Queens