



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 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 pursuant to Section 62-952 of the Zoning Resolution in the Borough of Queens, Community District 7.

This application (N 100211 ZRQ) for an amendment to the Zoning Resolution was filed by Flushing Commons LLC on January 12, 2010. The proposed text amendment would allow public parking lots on a waterfront block (Parcel 2 of the WAP Q-2) provided that the parking facility is an interim use limited to a maximum of ten years. The proposed text amendment would also exempt public parking lots from public access and visual corridor requirements during the construction 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 Zoning Resolution that is the subject of this report (N 100211 ZRQ), implementation of the proposed development also requires action by the City Planning Commission on the following applications that 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 100210 ZRQ** Zoning text amendment relating to Section 74-743 (Special Provisions for

Bulk Modifications), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts

- 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 allow public parking lots on a waterfront block (Parcel 2 of the WAP Q-2) provided that the parking facility is an interim use limited to a maximum period of ten years. The proposed text amendment would also exempt public parking lots from public access and visual corridor requirements.

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 100211 ZRQ), in conjunction with the related actions (C 100206 PPQ, C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100210 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 100211 ZRQ), along with the related-non ULURP applications (N 100210 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 100211 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 100211 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. 9), the City Planning Commission scheduled May 12, 2010 for a public hearing on this application (N 100211 ZRQ). The hearing was duly held on May 12, 2010 (Calendar No. 24).

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

62-952

Waterfront Access Plan Q-2; Downtown Flushing

Maps Q-2a through Q-2c in paragraph ~~(e)~~ (f) of this Section show the boundaries of the area comprising the Downtown Flushing Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on September 17, 1998, as follows:

(b) Special public access provisions by parcel

The requirements for #waterfront public access areas# of Sections 62-53 through 62-57 inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-2b in paragraphs ~~(e)~~(f) of this Section:

* * *

(2) Parcel 2

(i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to

the standards for a #supplemental public access area#, as set forth in Section 62-62.

(ii) #Upland connection#

An #upland connection# shall be located between College Point Boulevard and the #shore public walkway#, either: (1) within the flexible location zone indicated on Map Q-2b in paragraph ~~(e)~~(f) of this Section, having as its northerly boundary the straight-line extension of that portion of the boundary between Parcels 1 and 2 which intersects with College Point Boulevard and, as its southern boundary, the prolongation of the southerly #street line# of 37th Avenue; or (2) continuously adjoining the boundary between Parcels 1 and 2.

(iii) No public access shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 (In other Districts) and is an interim use that is limited to a term of not more than ten years.

* * *

(c) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph ~~(e)~~(f) of this Section:

(1) Parcel 1

A #visual corridor# shall be provided through Parcel 1 to the pierhead line as the prolongation of the #street lines# of 36th Road. Any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction.

(2) Parcel 2

A #visual corridor# shall be provided through Parcel 2 to the pierhead line as the prolongation of the #street lines# of 37th Avenue. However, no #visual corridor# shall be required for any #public parking lot#, provided such #public parking lot# was

approved pursuant to Section 74-512 provided that the parking facility is an interim use limited to a term of not more than ten years.

* * *

(e) Special use provisions by parcel

(1) Parcel 2

The City Planning Commission may permit #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Section 74-512 provided that the parking facility is an interim #use# limited to a term of not more than ten years.

(e)(f) Downtown Flushing Waterfront Access Plan Maps

* * *

The above resolution (N 100211 ZRQ), duly adopted by the City Planning Commission on June 23, 2010 (Calendar No. 7), 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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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