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**IN THE MATTER OF** an application submitted by Kimco Kissena Center LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 7.

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The applicant, Kimco Kissena Center LLC, filed this application for a zoning text amendment on November 20, 2018 in conjunction with an application for an amendment to the Zoning Map. The applicant seeks to designate a Mandatory Inclusionary Housing (MIH) area. The proposed actions would facilitate the construction of an eight-story mixed-use building in the Flushing neighborhood of Queens, Community District 7.

## **RELATED ACTION**

In addition to the proposed zoning text amendment (N 190203 ZRQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 190202 ZMQ**      Zoning Map Change from an R3-2 district to R7A and R7A/ C2-3 districts and from an R3-2/C2-2 to an R7A/C2-3 district.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 190202 ZMQ).

## **ENVIRONMENTAL REVIEW**

This application (N 190203 ZRQ), in conjunction with the related application for a zoning map amendment (C 190202 ZMQ), 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 lead agency is the Department of City Planning. The designated CEQR number is 18DCP188Q.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Conditional Negative Declaration (CND), signed by the Applicant, was issued on January 4, 2019. The CND was published in the City Record on March 8, 2019 and in the New York State Environmental Notice Bulletin (ENB) on February 8, 2019. Pursuant to SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received. On May 31, 2019, a Revised EAS was issued that considers modifications to the proposed actions. A Revised CND was issued on June 3, 2019 that supersedes the Original CND. As described in the Revised CND, the Applicant will enter into a Restrictive Declaration to ensure the implementation of mitigation measures relating to transportation. Additionally, an (E) designation (E-514) related to air quality and noise is assigned to sites in the area affected by the proposal, as described in the Revised CND. The City Planning Commission has determined that with the implementation of the mitigation measures identified in the Revised CND, the proposed actions will have no significant effect on the quality of the environment.

## **PUBLIC REVIEW**

This application (N 190203 ZRQ) was duly referred to Queens Community Board 7 and the Queens Borough President on January 7, 2019 in accordance with the procedures for non-ULURP matters, along with the related application for a zoning map amendment (C 190202 ZMQ), which was certified as complete by the Department of City Planning and in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Queens Community Board 7 held a public hearing on this application (N 190203 ZRQ) and the related application for zoning text amendment (C 190202 ZMQ) on March 11, 2019, and on that date, by a vote of 34 in favor, none opposed, and with three abstentions voted to recommend disapproval of the application. A summary of the vote and recommendation of Community Board 7 appears in the report for the related zoning map amendment action (C 190202 ZMQ).

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (N 190203 ZRQ) and the related action for a zoning text amendment (C 190202 ZMQ) on March 28, 2019, and on April 11, 2019 issued a recommendation to disapprove the application with conditions. A summary of the vote and recommendation of the Queens Borough President appears in the report for the related zoning map amendment action (C 190202 ZMQ).

## **City Planning Commission Public Hearing**

On April 24, 2019, (Calendar No. 5), the City Planning Commission scheduled February 27, 2019 for a public hearing on this application (N 190203 ZRQ) and the related application for a zoning map amendment (C 190202 ZMQ). The hearing was duly held on May 8, 2019 (Calendar No. 17). A summary of the public hearing appears in the report for the related zoning map amendment action (C 190202 ZMQ).

## **CONSIDERATION**

The City Planning Commission believes that this application for a zoning text amendment (N 190203 ZRQ), as modified, is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 190202 ZMQ)

## **RESOLUTION**

**RESOLVED**, that having considered the Revised EAS, for which a Revised CND was issued on June 3, 2019, with respect to this application (CEQR No. 18DCP188Q), the City Planning Commission finds that the action described herein, subject to the conditions in the Revised CND, will have no significant impact on the environment; 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 (N 190203 ZRQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

## **APPENDIX F**

### **Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

#### **QUEENS**

\* \* \*

#### **Queens Community District 7**

\* \* \*

Map 3 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **3** - [date of adoption] MIH Program Option 2

Portion of Community District 7, Queens

\* \* \*

The above resolution (N 180529 ZRQ), duly adopted by the City Planning Commission on June 3, 2019 (Calendar No. 14), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,**

**HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD,**

*Commissioners*



# Community Board 7

Borough of Queens  
Bay Terrace, College Point, Beechhurst, Flushing  
Malba, Queensborough Hill, Whitestone and Willets Point

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Melinda Katz  
*Queens Borough President*

Eugene T. Kelty Jr.  
*Chairperson*

Marilyn McAndrews  
*District Manager*

March 12, 2019

Marisa Lago, Chairman  
NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Dear Madam Chair,

RE: Land Use Committee Recommendation for  
46-15 Kissena Boulevard Flushing NY  
Application # C 190202 ZMQ and N 190203 ZRQ

DATE: March 8, 2019

## **ABSTRACT and BACKGROUND**

Our Community Board received Applications C 190202 ZMQ and N 190203 ZRQ made by Kimco Kissena Center LLC (Kimco) as certified by the New York City Planning Commission on January 7, 2019 to provide:

1. A zoning map amendment to change the existing R3-2 zoning district to an R7A zoning district; R3-2 zoning district to an R7A/C2-3 zoning district; and an R3-2/C2-2 zoning district to an R7A/C2-3 zoning district; and
2. A zoning text amendment to designate the project as Mandatory Inclusionary Housing.

Kimco proposes their property at 46-15 Kissena Boulevard be developed into a mixed-use building with commercial, community facility and residential uses including affordable housing required under MIH.

Kimco met with Community Board #7 Leadership on October 6, 2016 for a Pre-Development meeting to present their concept prior to filing their ULURP Application. We expressed concerns that:

- The Site had too much bulk that would negatively impact the surrounding area,
  - There wasn't sufficient parking provided,
-

- Building on a zero rear lot line would have a negative impact on the one- and two-family homes immediately to the east, and
- Any new development would further overburden an already overburdened Kissena Boulevard.

Kimco thanked us for our input and agreed to return with revisions that would address our concerns before proceeding with ULURP.

**Kimco never contacted us again; but rather to our surprise, the exact plan we found fault on October 6, 2016 was certified two-years later on January 7, 2019.**

#### **COMMITTEE HEARINGS**

Our CB#7Q Land Use Committee Meetings were attended by many members of the neighboring Holly Civic Association and the Kissena Park Civic Association on January 30, 2019 and February 27, 2019 to review the instant ULURP Application. CM Peter Koo represents this area and he was present for our entire 2-hour hearing on January 6, 2109.

The Land Use Committee and our neighbors repeatedly echoed the same concerns that were conveyed at our October 6, 2016 Pre-Development Meeting including:

- The Proposed Development was too dense for the surrounding R3-2 low density area,
- Did not provide enough parking spaces for the Proposed Development,
- Would unjustly enrich other stakeholders in the rezoning area,
- Would create a lot line condition with the rear neighboring properties that was imposing, and
- The proposed traffic mitigation measures were not sufficient to address the traffic issues

**These concerns were repeatedly expressed during our January 30, 2019 and February 27, 2109 Committee Meetings, which led to our overwhelming 12-1 Committee vote on February 27, 2019 to DENY the Application.**

Kimco then contacted our Board and asked if they could re-present a revised and reduced proposal within scope of the current ULURP. On March 6, 2019, Kimco presented a revised proposal that included the following:

- 1) Change the proposed R7A zoning district to R6A, thereby reducing the density by 25% and removing over 60,000 square feet of floor area and 45 dwelling units from the project.
- 2) Increase the provided parking to ensure there would be at least one (1) parking space for every dwelling unit including the affordable housing dwelling units, in addition to satisfying the commercial parking requirements for those uses located within the Proposed Development. This action would be codified in a restrictive declaration filed against the Property;



- 3) Eliminate all Community Facility use as the Committee had concerns that many Community Facility uses that could occur at the Site such as Day Care and Medical would generate a large and continual flow of short-term traffic. This action would be codified in a restrictive declaration filed against the Property;
  - 4) Decrease the area of the Rezoning Application by pulling back the R6A district line 145' from the corner of Laburnum Avenue and Kissena Boulevard to exclude the majority of Lot 32 on Block 5208 (46-40 Laburnum Avenue) to allow a buffer between the R6A and the existing R3-2 zoning district;
  - 5) Set-back the Proposed Development eight (8') feet from the rear and side property lines to ensure that the Proposed Development will not be located directly on the property line of the existing R3-2 residential neighbors. This action would be codified in a restrictive declaration filed against the Property.
  - 6) Provide aesthetically pleasing rear and side walls of Proposed Development that face the existing R3-2 residential neighboring properties, and relocate the existing loading, parking and garbage facilities into the cellar and sub-cellar levels of the Proposed Development;
  - 7) Provide a 45-foot residential tower, rear yard setback to provide an increased distance beyond the required 30-foot rear yard between the residential portion of the Proposed Development and the rear neighbors adjacent to the Property to the east. This action would be codified in a restrictive declaration filed against the Property.
  - 8) Reduce the vehicular access points into the Proposed Development to one 30-foot combined vehicular entrance and egress driveway located across from Kalmia Avenue. However; Kimco still needs to work with DOT to ascertain the following:
    - Move the existing traffic light at the intersection of Juniper Avenue and Kissena Boulevard to the intersection of Kalmia Avenue and Kissena Boulevard,
    - Introduce a left turn lane southbound on Kissena Boulevard at Kalmia Avenue into the Proposed Development to allow through traffic to move southbound on Kissena Boulevard without experiencing a delay from the traffic turning left into the Proposed Development,
    - Provide a right turn lane into the Proposed Development northbound on Kissena Boulevard just north of Laburnum to allow through traffic to move northbound on Kissena Boulevard without experiencing a delay from traffic turning into the Proposed Development,
-

- Provide a crosswalk at the intersection of Kalmia Avenue and Kissena Boulevard
  - Optimize traffic signals along Kissena Boulevard to allow traffic to move through and alleviate and mitigate the existing conditions and the future conditions with the Proposed Development;
- 9) Provide free parking for the commercial parking spaces by providing vouchers for customers shopping within the Proposed Development.

#### CONCLUSIONS AND RECOMMENDATION:

Although the (9) items above are meaningful changes to the original plan and would be essential for any development, our Committee and all Civic Leaders shared the same sentiment at our March 6, 2109 final Committee Meeting that the Proposed Development **is still too large** for the neighborhood. Adding an additional 3 FAR to existing conditions is onerous.

Our Community Board went to great lengths to preserve the surrounding existing one-and two-family homes via the 2005 Kissena Park Contextual Rezoning and once again via the 2008 Waldheim Contextual Rezoning. These neighborhoods are some of the very special areas in NYC to raise a family in the comfort of low density, and everyone has great concern not to set precedent to allow any increased density along Kissena Boulevard south of 45<sup>th</sup> Avenue.

Kissena Boulevard is the main north-south thoroughfare that connects the Long Island Expressway and Downtown Flushing and there are three (3) major MTA Bus routes along this corridor. Unfortunately, Kissena Boulevard is only a two-way road with curb parking in each direction and it does not have sufficient capacity to handle current conditions.

The current open-air shopping center format is inviting for neighbors to park and quickly run in for groceries and neighborhood services. This will no longer exist if a building is built along the street-wall as people will not enter an underground parking lot if they only need to drop off dry cleaning, grab a cup of coffee, or get a few groceries. Instead people will look to park or double park on Kissena Boulevard or the side streets for quick access. This will exacerbate traffic along Kissena Boulevard.

The traffic mitigation items listed above are new concepts only presented last week and have not been discussed or vetted with DOT and there is no guarantee they will work or will be approved. The mitigation requires the loss of approximately (13) on-street parking spaces, which is a concern.

The Committee asked for Shadow Drawings of the Proposed Development to determine the severity of its impact on the one-and two-family homes in the rear, but to date these have not been produced.

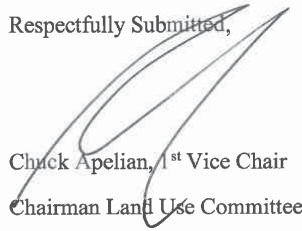
It was unfortunate Kimco did not heed advice provided in 2016, and in fact they reiterated as recently as our February 28<sup>th</sup> Committee Meeting that the original R7-A Proposed Development could not be

reduced. The above changes were only provided after our Committee's February 28, 2019 resounding disapproval and Kimco's subsequent meeting with CM Peter Koo.

Finally and due to the constraints of an expiring 60-day ULURP clock and since our Committee and our Civic Associations shared similar sentiments, Joe Sweeney made a resolution seconded by Kim Ohanian that was voted (15-0) to unanimously **DISAPPROVE** the Application.

Community Board 7 continues to support projects that will improve the quality of life for its residents and community. Should you have any questions, please do not hesitate to contact me in the office at 718-718-359-2800.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Chuck Apelian', is written over the typed name and title.

Chuck Apelian, 1<sup>st</sup> Vice Chair  
Chairman Land Use Committee

Application #: **C 190202 ZMQ**

CEQR Number: 18DCP188Q

Project Name: **Kissena Center Rezoning**

Borough(s): **Queens**

Community District Number(s): **7**

Please use the above application number on all correspondence concerning this application

### SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, 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 Kimco Kissena Center LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10d,

- eliminating from within an existing R3-2 District a C2-2 District bounded by Holly Avenue, line 100 feet northeasterly of Kissena Boulevard, Laburnum Avenue, and Kissena Boulevard;
- changing from an R3-2 District to an R7A District property bounded by the northeasterly centerline prolongation of Geranium Avenue, a line 100 feet southwesterly of Union Street, Holly Avenue, a line 100 feet northeasterly of Kissena Boulevard, a line 100 feet southeasterly of Holly Avenue, a line 100 feet southwesterly of Union Street, Laburnum Avenue, and Kissena Boulevard; and
- establishing within the proposed R7A District a C2-3 District bounded by Holly Avenue, a line 100 feet northeasterly of Kissena Boulevard, a line 100 feet southeasterly of Holly Avenue, a line 100 feet southwesterly of Union Street, Laburnum Avenue, and Kissena Boulevard,

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of CEQR Declaration E-514.

|   |  |   |                        |
|---|--|---|------------------------|
| <b>Applicant(s):</b><br>Kimco Kissena Center LLC<br>46-15 Kissena Blvd.<br>Flushing NY 11355  |  | <b>Applicant's Representative:</b><br>Jodi Stein<br>Herrick, Feinstein LLP<br>2 Park Avenue, 14th Floor<br>New York NY 10016    |                        |
| <b>Recommendation submitted by:</b><br>Queens      Community Board 7  |  |   |                        |
| Date of public hearing: <i>March 11, 2019</i>   |  | Location: <i>Union Plaza Care Center</i>  |                        |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>   |  | A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members. |                        |
| Date of Vote: <i>March 11, 2019</i>   |  | Location: <i>Union Plaza Care Center</i>  |                        |
| <b>RECOMMENDATION</b><br><input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions<br><input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions |  |   |                        |
| Please attach any further explanation of the recommendation on additional sheets, as necessary.   |  |   |                        |
| <b>Voting</b><br># In Favor:      # Against: <i>34</i> # Abstaining: <i>3</i> Total members appointed to the board: <i>37</i>   |  |   |                        |
| Name of CB/BB officer completing this form<br><i>[Signature]</i>  |  | Title<br><i>Chair</i>   | Date<br><i>3/12/19</i> |

# Queens Borough President Recommendation

APPLICATION: ULURP #N 190203 ZRQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by Herrick Feinstein, LLP on behalf of Kimco Kissena Center LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to Appendix F designating the Project Area as a Mandatory Inclusionary Housing ("MIH") area, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of CEQR Declaration E-514. (Related item #C190202 ZMQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 28, 2019 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 eight (8) speakers and two (2) written testimonies submitted in opposition and ten (10) speakers in favor of 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:

- The applicant is requesting a zoning text amendment to Appendix F designating the project area as a Mandatory Inclusionary Housing Area (MIHA). The application has been filed with a related ULURP item (#C190202 ZMQ) requesting a zoning map amendment to rezone the existing R3-2 and R3-2/C2-2 Districts to R7A and R7A.C2-3 Districts to facilitate development of an 8-story mixed-use building;
- The rezoning area is located on the east side of Kissena Boulevard between a line approximately 320' south of 45<sup>th</sup> Avenue and Laburnum Avenue to a depth of approximately 260' east. The area includes Block 5208 Lots 1, 32, 45 and a portion of Lot 5, Block 5200 Lot 39. Block 5208 Lots 1, 32 and 45 are improved with 1- and 2-story commercial buildings and Lot 5 is developed with a 2-story single-family detached home. Block 5220 Lot 39 is improved with a 7-story residential development, and Lots 49 and 32 are developed with two 2-story residential houses;
- The applicant owns Block 5208 Lot 45, a 68,200 sf rectangular shaped lot with an approximately 275 ft frontage on Kissena Boulevard, that is currently improved with a 22,500 sf one-story commercial building occupied mostly by a supermarket and 4 smaller retail spaces with 90 offstreet open accessory parking spaces in an at-grade lot accessed by two curb cuts onto Kissena Boulevard. The applicant is proposing to redevelop the site with an 8-story mixed-use building;
- This area to be rezoned and Kissena Boulevard to the north of the rezoning area are developed with a mix of commercial uses and some six- to seven-story multifamily residential buildings. The areas on either side of Kissena Boulevard and the areas south of the proposed rezoning area on Kissena Boulevard are predominately developed with low-rise one- and two-family homes. Kissena Boulevard is a major road connecting Downtown Flushing to the Long Island Expressway and beyond. This section of Kissena Boulevard has several one-way side streets that end in T-shaped intersections at the boulevard with short distances between those intersections. The heavy volume of buses, cars and trucks often creates congestion and backups on Kissena Boulevard caused by the narrow width of the street, the timing of traffic control lights, turning vehicles that block traffic in both directions when the turns cannot be completed;
- The applicant has had pre- and post-certification meetings with the Community Board 7 Land Use Committee (LUC) to present their proposed project. The CB 7 Land Use Committee meetings included representatives from the Holly Civic and the Kissena Park Civic Associations. The CB 7 LUC, the civic associations and some residents have expressed the following concerns: the building is too large for the mostly low-density residential and commercial neighborhood; the proposed building without a rear yard would negatively affect the adjacent one- and two-story homes, traffic congestion and other problems on Kissena Boulevard would be exacerbated; the other properties in the area especially the property at Block 5200 Lot 39 which is currently occupied by a one-story restaurant will also be redeveloped under R7A/C2-3 District regulations resulting in substantial increase of density in the area;
- Subsequently, the applicant presented a revised rezoning proposal and development plan, responding to some of the community concerns that had been expressed, at a LUC meeting just prior to the CB 7 monthly meeting and again during the monthly meeting to the full board. The rezoning had been revised from the originally proposed R7A District to an R6A District, and most of an adjoining property developed with a one-story restaurant (Block 5200 Lot 39) was removed from the rezoning area. The applicant stated that they would be working with the Department of City Planning on the presented revision. In accordance with the revised rezoning the proposed development plan would be revised as follows:



- The height of the proposed building would be reduced to a 7-story building from the originally proposed 8-story building. The revised gross floor area would be reduced by over 60,000 sf to 249,444 sf (FAR 3.6) instead of the filed 313,814 sf (FAR 4.57) project. The total number of dwelling units would be reduced to 183 units including 55 affordable units instead of 244 units including 73 affordable units in the filed application;
- Three-hundred-seventy (370) parking spaces would be provided on the cellar and sub-cellar levels, an increase of 58 spaces over the originally filed proposal 312 spaces. The increased number of parking spaces includes all spaces required for the proposed commercial and community facility space. Additionally, there would be one parking space for every residential unit including all affordable units;
- The proposed building would provide an additional 8 feet setback from the rear and side property lines that would be codified in a restrictive declaration filed against property to ensure that the proposed development will be setback from the property line of the neighboring residential homes. The perimeter walls facing the adjoining residential properties would be designed to improve upon the existing impact and nuisance conditions created by the unscreened loading, parking and garbage processing facilities for the supermarket. The loading and garbage facilities for the proposed development will be moved indoors and located on the cellar level. The rear yard over the commercial base will be 45' providing an increased 15' buffer in excess of the required 30-foot rear yard between the residential portion of the building and the neighboring homes;
- The applicant proposed various traffic mitigation measures. The vehicular access points into the proposed development would be a midblock 30-foot vehicular entrance and egress driveway in alignment with Kalmia Avenue. Relocation of the driveway entrance would allow the applicant to work with NYC DOT to move the traffic signal light from the intersection at Juniper Avenue and Kissena Boulevard to the intersection of Kalmia Avenue and Kissena Boulevard; introduce a left turn lane southbound on Kissena Boulevard at Kalmia Avenue into the proposed development while allowing through traffic to proceed without delay; provide a right turn lane into the proposed development northbound on Kissena Boulevard, just north of Laburnum Avenue; providing a crosswalk at the intersection of Kalmia Avenue and Kissena Boulevard; and optimization of the traffic signals along Kissena Boulevard to move traffic through to alleviate and mitigate traffic congestion; approximately thirteen (13) existing street parking spaces would be removed to achieve the above traffic measures;
- The applicant committed to a free voucher commercial parking system for customers patronizing the tenants of the development;
- In response to the CB 7 LUC request to remove community facility space and convert it to residential use instead, to reduce potential vehicular traffic generated by such use, the applicant stated their willingness to make that change to the proposed development;
- o The Department of City Planning had conducted studies of nearby areas that resulted in contextual rezonings (Kissena Park Rezoning – 2005, and the Waldheim Rezoning - 2008). However, the area proposed for rezoning in this application were not part of any prior contextual rezoning studies. The current zoning for the rezoning area has not been changed and has been mapped since 1961;
- o The CB 7 Land Use Committee recommended and made a motion to disapprove this application. CB 7 approved the motion by a vote of thirty-four (34) in favor, none (0) against and three (3) abstaining at a community board meeting held on March 11, 2019. CB 7 noted that the modifications the applicant made were meaningful however, the timing of the presentation of the proposed modifications did give them enough time to fully discuss the changes made with all interested parties. CB 7 disapproved the application for the following reasons: this community has gone to great lengths to preserve the low-density built character of their surrounding neighborhood and they want to keep it exists; people prefer open parking lots over underground parking lots for shopping, therefore, cars circulating the neighborhood looking for open above ground parking will exacerbate existing traffic congestion in the area; all of the mitigation measures should get approved by DOT; and a shadow study for the proposed building showing shadow impacts on the adjoining homes at the rear of the proposed development were not provided as requested.
- o At the Queens Borough President's Land Use Public Hearing, representatives from 32BJ, Queens Chamber of Commerce and some area residents, property and business owners spoke in support of the project. They stated that the project will provide prevailing waged jobs and much needed housing and improve the neighborhood by increasing business for the existing area shops. There speakers against the project represented the Holly Civic Association, Kissena Civic Association and Community Board 7 spoke and two (2) written testimonies were also submitted. These speakers expressed concerns that the proposed rezoning and the resulting development will be too dense and large for the area, existing area traffic congestion would be exacerbated; if upzoned a precedent would be set bringing higher density rezonings further along Kissena Boulevard. The Community Board 7 representative noted that the applicant should ensure that there will be no community facility use in the proposed building. The applicant stated that they are committed to continue the dialogue with the local elected officials and the community board on uses to be allowed in this development.

RECOMMENDATION

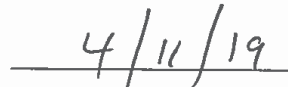
The revised rezoning proposal and development plan demonstrate the applicant's willingness and efforts to work with the community to address concerns and offer mitigations for negative impacts raised during the community meetings. CB 7 expressed appreciation for the applicant's revision to the project. However, they also expressed disappointment that the timing of the presentation of the revisions did not allow them to fully review the proposed changes with the neighboring communities. There are outstanding issues and concerns that need more consideration.

Based on the above considerations, I hereby recommend disapproval of this application unless the following conditions can be met:

- The applicant should continue to work with the Community Board 7, area civic associations and local elected officials to further modify and improve the plans to minimize any negative impacts on the neighborhood and area traffic;
- The applicant should continue to work with DOT to discuss the implementation of the traffic plan proposed to improve the traffic condition along Kissena Boulevard;
- The applicant should create prevailing wage jobs during the construction and operation of the proposed building;
- The revised development proposal in terms of setbacks from side and rear property lines should be codified in a restrictive declaration filed against the property as soon as possible;
- The applicant should also continue the dialogue with the area residents and CB 7 regarding potential community facility uses needed in the surrounding community and explore the feasibility and need for senior affordable housing;
- Height and density of the proposed project, especially as it relates to the low-density areas to the east and south of the project, has been consistently raised as an issue by the community and CB 7. The applicant should continue to look for a way to further redesign the building that would reflect the built character of the surrounding community.



PRESIDENT, BOROUGH OF QUEENS



DATE