



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:

1. 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;
2. 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
3. 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.

The applicant, Kimco Kissena Center LLC, filed this application for a zoning map amendment on November 20, 2018, in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the construction of an eight-story, mixed-use building on property located at 46-15 Kissena Boulevard in the Flushing neighborhood of Queens, Community District 7.

RELATED ACTION

In addition to the proposed zoning map amendment (C 190202 ZMQ) 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:

N 190203 ZRQ Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The rezoning area is located along the eastern side of Kissena Boulevard between Geranium and Laburnum avenues. It comprises approximately 200,000 square feet along two block fronts (Block 5208, Lots 1, a portion of 5, 32, 45 and Block 5200, Lots 39, 49, 50, and a portion of 151). The development site is a 68,200-square-foot commercial parcel located at 46-15 Kissena Boulevard (Block 5208 Lot 45) on the southerly block front between Holly and Laburnum avenues.

The surrounding area has a diverse mix of commercial uses, single-, two- and multi-family residential buildings and community facilities. Commercial uses, including automobile repair and sales, local retail establishments and offices are concentrated in the area along Kissena Boulevard. Kissena Boulevard is a 70-foot-wide, two-way street that serves as a connector between Kew Gardens Hills and downtown Flushing. As a primary street it is traversed by several bus routes, including Q17, Q24, Q27 and Q34 buses. Residential uses surrounding Kissena Boulevard consist predominantly of two-story, one- and two-family detached homes to the north, east and south of the project site, and six- to 24-story, multi-family buildings to the northwest, as the area transitions into downtown Flushing. Community facility uses include several religious institutions, such as the Hindu Temple Society of North America and St. Ann Roman Catholic Church, as well as a K-5 elementary school and intermediate school located within approximately 600 feet radius of the

project area. Kissena Park and Kissena Corridor Park are regional parks with both passive and active recreation located just outside of the project area.

The zoning in the area is primarily residential. The project area is located within a lower-density R3-2 district, with C2-2 commercial overlays along Kissena Boulevard, while R3A and R3X districts are located to the northeast and further south of it. R3-2, R3A and R3X districts have a maximum residential floor area ratio (FAR) of 0.5, with a maximum perimeter wall height of 21 feet and a maximum residential building height of 35 feet. One off-street parking space is required for each dwelling unit. C2-2 commercial overlays permit retail and office uses to have a maximum FAR of 1.6 when located within R3-2 districts. Off-street accessory parking requirements for commercial uses vary, ranging from one space per 200 square feet of floor area to one space per 300 square feet of floor area, depending on the use.

An R6 zoning district is mapped adjacent to the northwest of the proposed rezoning area. This medium-density residential district permits residential uses at a maximum FAR of 2.43 when using the height factor regulations and 3.6 when using the Quality Housing regulations and providing affordable housing pursuant to the Mandatory Inclusionary Housing (MIH) Program. R6 zoning districts have a 70 percent parking requirement under the height factor regulations for market-rate dwelling units and a 25 percent parking requirement for affordable housing dwelling units. The maximum FAR for community facility uses is 4.8.

One block further to the north and west is an R7-1 zoning district. R7-1 districts have a maximum residential FAR of 3.44 when using the height factor regulations and 4.6 when using the Quality

Housing regulations and providing affordable housing pursuant to the MIH Program. R7-1 zoning districts have a 50 percent parking requirement under the height factor regulations for market-rate dwelling units and a 15 percent parking requirement for affordable housing dwelling units. The maximum FAR for community facility uses is 4.8.

The project area has largely remained zoned R3-2 and R3-2/C2-2 since 1961. On September 1997, the City Planning Commission approved an authorization pursuant to Zoning Resolution Section 23-631(h) for height and setback (N 980053 ZAQ), to allow a six-story, 70-unit non-profit senior residence at 45-35 Kissena Boulevard, which is located within the rezoning area.

In May 2005, the City Council approved the Department of City Planning's rezoning proposal for a 40-block area adjacent to the current rezoning area. The Kissena Park Rezoning (C 050195 ZMQ) proposed a zoning map amendment that rezoned all or portions of the 40 blocks from R3-2 to R3X, R3A, and R2 districts. The rezoning established lower density zoning districts that reinforced the one- and two-family, detached housing characteristics of neighborhood.

The applicant is proposing to develop an eight-story mixed-use building containing residential, commercial, and community facility uses. The existing one-story shopping center anchored by a supermarket on the applicant's property would be demolished and the proposed redevelopment would provide 59,000 square feet of retail at the ground floor, 15,000 square feet of community facility and residential amenity space on the second floor and approximately 235,000 square feet of residential uses, or approximately 244 dwelling units, on floors three through eight. Two levels of accessory parking below grade, with approximately 333 parking spaces, are proposed.

To facilitate the proposed development, the applicant seeks a zoning map amendment to rezone the Kissena Boulevard blockfront containing the development site and a portion of an adjacent blockfront to the northwest from R3-2 and R3-2/C2-2 zoning districts to R7A and R7A/C2-3 districts. An R7A district is proposed to be mapped on the blockfront northwest of the development site (Block 5200). An R7A district paired with a C2-3 commercial overlay zone is proposed to be mapped over blockfront between Holly and Laburnum avenues containing the development site and three other affected lots. R7A is a medium-density contextual district that allows a maximum residential FAR of 4.6 within an MIH area and a 95-foot maximum building height. Within an R7A district, a C2-3 commercial overlay zone allows commercial uses up to an FAR of 2.0. Parking would be required for 50 percent of market-rate dwelling units and 15 percent of affordable apartments, as well as one parking space for each 400 square feet of commercial floor area.

All portions of the rezoning area would be designated as an MIH area, in conjunction with a related zoning text amendment (N 190203 ZRQ). The applicant seeks to provide approximately 73 affordable housing units pursuant to MIH Option 2. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the area median income (AMI). No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 190202 ZMQ), in conjunction with the related application for a zoning text amendment (N 190203 ZRQ), 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.

UNIFORM LAND USE REVIEW

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

Community Board Public Hearing

Queens Community Board 7 held a public hearing on this application (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.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 190202 ZMQ) on March 28, 2019, and on April 11, 2019, issued a recommendation to disapprove the application with the following conditions:

“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 application 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 application should also continue the dialogue with the area residents and CB7 regarding potential community facility uses needed in the surrounding community and explore the feasibility and need for senior 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 CB7. The application should continue to look for a way to further redesign the building that would reflect the built character of the surrounding community.”

City Planning Commission Public Hearing

On April 24, 2019 (Calendar No. 4), the City Planning Commission scheduled May 8, 2019, for a public hearing on this application (C 190202 ZMQ) and the related application for a zoning text amendment (N 190203 ZRQ). The hearing was duly held on May 8, 2019 (Calendar No. 16). Six speakers testified in favor of the application.

The applicant team, comprising the applicant, its land use attorney and its architect, summarized the requested actions and presented a reduced-density R6A version of the project that differed from the certified R7A proposal. The team stated that its presentation of an R6A/C2-3 version of the project was an outcome of the applicant team’s discussions with and concerns from the Community Board and Borough President. They noted that the proposed development would be reduced by one story in total building height, dropping from eight to seven stories, as well as density, with a maximum FAR reduced from 4.6 to 3.6. They also noted that further massing

reductions would provide additional distance between the rear wall of the development and the adjacent two-story homes. They also noted that additional parking would be provided at the request of the community, increasing from 312 to 370 accessory spaces.

Two representatives of the 32BJ service employees' union spoke in favor of the application, citing the new jobs and affordable housing that the proposed development would generate, and expressing confidence that the developer would commit to providing union jobs.

A member of the Community Board, spoke in favor of the application, stating that he had voted against the application but that the applicant had been very responsive to the community's concerns. He added that the neighborhood's need for more housing and quality retail resources could be met by the proposed development. Three other speakers spoke in favor of the application, also citing the need for housing and jobs in the neighborhood and expressing concern that the community board vote did not reflect neighborhood sentiment.

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

CONSIDERATION

The City Planning Commission believes that this application (C 190202 ZMQ) for a zoning map amendment, as modified herein, in conjunction with the related application for a zoning text amendment (N 190203 ZRQ), as modified, is appropriate.

The development site is located on a wide street, and it is close to multiple bus stops. The current R3-2/C2-2 zoning does not adequately reflect that this site is well-suited to accommodate higher-density mixed-use development to reinforce the context of this portion of Kissena Boulevard, a primary connecting route into downtown Flushing.

The Commission acknowledges the concerns raised by Community Board 7, the Borough President and a local civic association, about the scale of the building that would be allowed under the proposed R7A/C2-3 zoning district. Therefore, the Commission herein modifies this application to change the proposed R7A/C2-3 zoning district to an R6A/C2-3 district. R6A is a medium-density zoning district that allows for a maximum 3.6 FAR for residential uses within MIH areas. Building heights are regulated by a required base height of between 40 and 65 feet, followed by a mandatory building wall setback of 10 feet on a wide street like Kissena Boulevard, and a maximum building height of 85 feet.

The Commission also herein modifies this application to reduce the rezoning boundary line from a distance ending at Laburnum Avenue to a distance of 375 feet southeasterly of Holly Avenue. The reduction of the zoning boundary line focuses the zoning change on the blockfront in the portion that is closer to downtown Flushing, where density increases, as reflected in the current R6 and R7-1 zoning, and maintains the low-density R3-2, R3A and R3X zoning southeast of the development site.

This zoning map amendment, as modified, can facilitate the development of a seven-story mixed use development containing residential, commercial, and community facility uses with about 183

residential units, including 55 permanently affordable units under MIH Option 2, and about 67,400 square feet of commercial and community facility floor area.

The 85-foot maximum height allowed in the R6A district will ensure that the proposed development better relates to the adjacent medium-density character to the northwest of the rezoning area and more accurately reflects two pre-existing non-conforming and non-compliant multi-family residential buildings on Block 5200 within the rezoning area.

The Commission acknowledges the Community Board's recommendation that parking be provided for every dwelling unit, including the affordable housing dwelling units, in addition to satisfying the commercial parking requirements. This matter is outside the scope of the requested actions.

The proposed text amendment to designate the rezoning area as modified as an MIH area is appropriate. The action will designate a new MIH area, modified from the MIH area as proposed in the certified application and coterminous with the modified rezoning area. The MIH area will be mapped with Option 2, which requires that 30 percent of residential floor area be set aside for affordable housing units for residents with incomes averaging 80 percent of the area median income. This action is consistent with the goal of providing additional permanently affordable homes in the city.

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 Sections 197-c and 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, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10d:

1. eliminating from within an existing R3-2 District a C2-2 District bounded by Holly Avenue, line 100 feet northeasterly of Kissena Boulevard, a line 375 feet southeasterly of Holly Avenue, and Kissena Boulevard;
2. changing from an R3-2 District to an R6A 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, a line 375 feet southeasterly of Holly Avenue, and Kissena Boulevard; and
3. establishing within the proposed R6A 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, a line 375 feet southeasterly of Holly Avenue, and Kissena Boulevard,

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, modified by the City Planning Commission on June 3, 2019, and subject to the conditions of CEQR Declaration E-514.

The above resolution (C 190202 ZMQ), duly adopted by the City Planning Commission on June 3, 2019 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

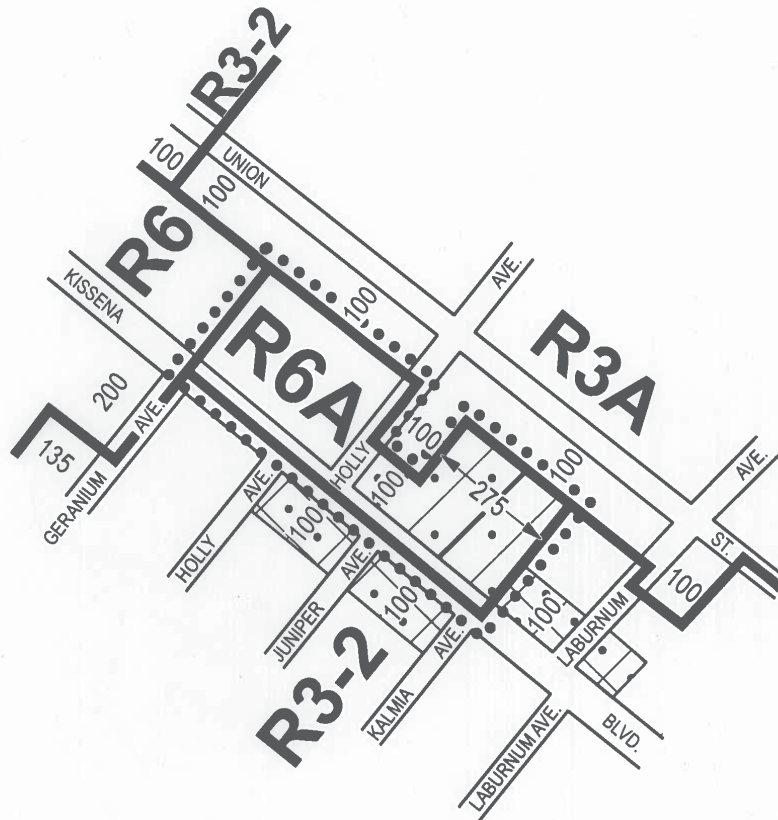
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

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



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

10d
BOROUGH OF
QUEENS



New York, Certification Date:
JANUARY 07, 2019
Modified by CPC:
JUNE 03, 2019

S. Lenard
S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by eliminating from within an existing R3-2 District a C2-2 District, by changing an existing R3-2 District to an R6A District, and by establishing a C2-3 District within the proposed R6A District.
- Indicates a C2-2 District
- Indicates a C2-3 District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Community Board 7

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

133-32 41st ROAD · 3rd FLOOR · FLUSHING, NY 11355

(718) 359-2800

Fax: (718) 463-3891

email: qn07@cb.nyc.gov

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, 31st 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 45th 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.

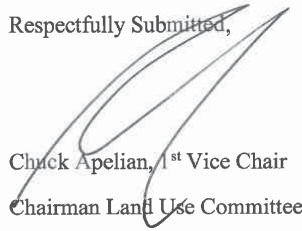
It was unfortunate Kimco did not heed advice provided in 2016, and in fact they reiterated as recently as our February 28th Committee Meeting that the original R7-A Proposed Development could not be

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, 1st 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 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.

Applicant(s): Kimco Kissena Center LLC 46-15 Kissena Blvd. Flushing NY 11355		Applicant's Representative: Jodi Stein Herrick, Feinstein LLP 2 Park Avenue, 14th Floor New York NY 10016	
Recommendation submitted by: 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>	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # 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 <i>[Signature]</i>		Title <i>Chair</i>	Date <i>3/12/19</i>

Queens Borough President Recommendation

APPLICATION: ULURP # C190202 ZMQ

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 an amendment of the Zoning Map, Section No. 10d,

1. eliminating from within an existing R3-2 District a C2-2 District bounded by Holly Avenue, a line 100 feet northeasterly of Kissena Boulevard, Laburnum Avenue, and Kissena Boulevard;
2. 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
3. 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. (Related item #N190203 ZRQ)

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 map amendment to rezone an existing R3-2 and R3-2/C2-2 District to R7A and R7A/C2-3 District to facilitate development of an 8-story mixed-use building;
- The applicant has also filed a related ULURP application (# N190203 ZRQ) for a zoning text amendment to Appendix F designating the project area as a Mandatory Inclusionary Housing Area (MIHA);
- The rezoning area is located on the east side of Kissena Boulevard between a line approximately 320' south of 45th 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 vouchers 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;
- 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;
- 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.
- 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