



IN THE MATTER OF an application submitted by CPEOA Limited Partnership and Mattone Group Retail, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within an existing 2-story building and proposed to be enlarged, on property located at 134-01 20th Avenue (Block 4138, Lots 1 and 50), in an M1-1 District, within the Special College Point District, Borough of Queens, Community District 7.

This application for a special permit pursuant to section 74-922 of the Zoning Resolution was filed by the CPEOA Limited Partnership and Mattone Group Retail, LLC, on September 12, 2018. It would allow Use Group 10A commercial uses in excess of 10,000 square feet within the existing M1-1 district at 134-01 20th Avenue in the College Point neighborhood of Queens, Community District 7.

BACKGROUND

The project site is located within the Special College Point District (previously known as College Point Urban Renewal Area) at the northeast corner of 20th Avenue and 132nd Street (Block 4138, Lots 1 and 50). The site is zoned M1-1 and has an area of 9.1 acres.

On May 1, 1989, a special permit (C 850785ZSQ) was approved to allow a supermarket in excess of 10,000 square feet of floor area to be located on a portion of the project site (Lot 1). The site plan associated with this approval included a two-story, 30,000-square-foot building on the southeast portion of the project site (Lot 50). It is comprised of 15,000 square feet of retail space

on the first floor and 15,000 square feet of office space on the second floor. This building is the subject of this special permit application (C 190095 ZSQ).

On March 11, 1996, the Commission approved a minor modification of the special permit (M 850785(A) ZSQ) to facilitate a change in the footprint and layout of the two-story retail building on Lot 50. The permitted footprint of the first floor was increased to 24,007 square feet, and the space permitted for office use on the second floor was reduced to 6,000 square feet. The site plan was modified to reflect this approval.

On May 21, 2018, the Commission approved another minor modification of the special permit (M 850785(B) ZSQ) to facilitate the development of a new one-story, 9,000-square-foot commercial building at the southwestern portion of the project site on Lot 1. The approved modification allowed 32 additional accessory parking spaces for the new building, the installation of new planted areas and traffic islands, and the re-striping of the existing parking lot. The site plan was modified to reflect these revisions and the new building on the southwestern portion of the project site.

The applicant is now proposing to convert the retail use on the first floor of the building in the southeast corner of the project site on Lot 50 from an office supply store to a furniture store. A special permit pursuant to 74-922 of the Zoning Resolution is required for the furniture store use because such uses are only allowed for up to 10,000 square feet in an M1-1 zoning district. Unrelated to the special permit, the applicant also proposes an as-of-right 10,000-square-foot enlargement of the office use on the second floor of the building. An additional 33 accessory

parking spaces would be provided on the site to accommodate the parking requirements related to the proposed enlargement. A total of 468 accessory parking spaces, including 16 reservoir spaces, would be provided in the new parking lot layout and is reflected on the revised site plan associated with the special permit. There are no changes proposed to the existing entrance and exit curb cut locations on 20th Avenue and 132nd Street. The site would also maintain the existing internal travel lanes between the site and an adjacent shopping center.

Uses allowed in M1-1 districts include a range of industrial and commercial uses. Light industrial uses that can conform to high performance standards are permitted according to the characteristics of their operations. Commercial uses are permitted as-of-right in M1 districts with few exceptions. Certain retail uses, in excess of certain floor area, such as a furniture store, are permitted in the M1-1 district only with a Commission special permit.

The surrounding area is predominantly developed with commercial, industrial, parking and transportation related uses along the 20th Avenue corridor. Several other shopping centers are adjacent to the project site. Tenants of these shopping centers include a national chain variety store, an appliance store and a restaurant. Other commercial uses near the project site include a car rental establishment, an office building, a hotel and a New York State Department of Motor Vehicles office building. These commercial uses are located within the Commercial Areas section of the Special College Point District, which allows large-scale retail and a wide array of commercial uses with stringent parking requirements.

The surrounding area is served by the Whitestone Expressway, which connects to the Cross Island Parkway and the Grand Central Parkway. Primary access routes to the site are along 14th and 20th avenues, with its main entrance located on 20th Avenue. 20th Avenue has a mapped width of 100 feet and provides one of the two main vehicular access points to the College Point neighborhood. The Q20A and Q76 bus lines serve the project area, with a stop in front of the project site on 20th Avenue.

ENVIRONMENTAL REVIEW

This application (C 190095 ZSQ) 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 number is 18DCP106Q. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Negative Declaration was issued on October 12, 2018.

UNIFORM LAND USE REVIEW

On October 15, 2018, this application (C 190095 ZSQ) was certified as complete by the Department of City Planning and was 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).

Community Board Public Hearing

Queens Community Board 7 held a public hearing on this application (C 190095 ZSQ) on November 19, 2018, and by a vote of 35 in favor, one opposed, and no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 190095 ZSQ) on December 6, 2018, and on December 19, 2018, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On December 19, 2018 (Calendar No. 1), the City Planning Commission scheduled January 9, 2019, for a public hearing on this application (C 190095 ZSQ). The hearing was duly held on January 9, 2019 (Calendar No. 34). One speaker testified in favor of the application.

The applicant's representative said that the special permit was necessary to allow the property owner to re-tenant the vacant ground floor retail space as a furniture store and that the use was appropriate in the shopping center.

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

CONSIDERATION

The Commission believes that this application for a special permit (C 190095ZSQ) is appropriate.

The Commission believes that the furniture store use accurately reflects the existing commercial uses in the adjacent shopping centers and the surrounding area. The Commission notes that the commercial uses in the surrounding area are mainly large retail establishments that serve a local and regional population, and that the proposed project will complement the existing commercial corridor characteristics of 20th Avenue in College Point.

Regarding traffic concerns as it relates to the Findings, the Commission notes that the principle vehicular entrance for the site is located on 20th Avenue, a major wide street with direct access to the north and south bound Whitestone Expressway, and as such, the use on the site will not burden local streets with traffic. The Commission believes that the configuration of the secondary entrance and egress on 132nd Street, travel lanes between shopping centers, as well as the reservoir spaces provided on the site will help prevent congestion both on the site itself and the adjacent roadways. The Commission also notes that the site is well-served by several bus lines that have stops located directly in front of the site on 20th Avenue and along the intersection of 20th Avenue and Whitestone Expressway.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 of the Zoning Resolution:

- (a) that the principal vehicular access for such use is not located on a local narrow street;
- (b) that such use is so located to draw a minimum of vehicular traffic to and through local streets;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such use is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district;
- (h) [this finding is not applicable; the applicant is not requesting a bulk modification]
- (i) [this finding is not applicable; the applicant is not requesting a modification of loading berth]

RESOLUTION

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

RESOLVED, that the City Planning Commission, pursuant to Section 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings

described in this report, the application submitted by CPEOA Limited Partnership and Mattone Group Retail, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within an existing 2-story building and proposed to be enlarged, on property located at 134-01 20th Avenue (Block 4138, Lots 1 and 50), in an M1-1 District, within the Special College Point District, Borough of Queens, Community District 7, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C190095ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Gino O. Longo, R.A., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CP-001.00	Proposed Site Plan	09/10/2018
CP-002.00	Section	09/10/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C190095ZSQ), duly adopted by the City Planning Commission on January 30, 2019 (Calendar No. 21), 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, ANNA HAYES LEVIN, ORLANDO MARIN,

LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

Application #: **C 190095 ZSQ**

Project Name: **134-01 20th Avenue**

CEQR Number: 18DCP106Q

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 CPEOA Limited Partnership and Mattone Group Retail, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within an existing 2-story building and proposed to be enlarged, on property located at 134-01 20th Avenue (Block 4138, Lots 1 and 50), in an M1-1 District, within the Special College Point District, Borough of Queens, Community District 7.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

Applicant(s): CPEOA Limited Partnership 134-01 20th Avenue, College Point, NY 11356 Mattone Group Retail, LLC 134-01 20th Avenue, College Point, NY 11356		Applicant's Representative: Jeremiah H. Candreva, Esq. Troutman Sanders LLP 875 Third Avenue New York, NY 10022
Recommendation submitted by: Queens Community Board 7		
Date of public hearing: <u>11/19/18</u>		Location:
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: <u>11/19/18</u>		Location:
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: <u>35</u> # Against: <u>1</u> # Abstaining: Total members appointed to the board: <u>48</u>		
Name of CB/BB officer completing this form <u>EUGENE M. KELLY</u>		Title <u>Chair</u> Date <u>11/20/18</u>

Queens Borough President Recommendation

APPLICATION: ULURP #C 190095 ZSQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Troutman Sanders LLP., on behalf of CPEOA Limited Partnership and Mattone Group Retail, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the NYC Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within an existing 2-story building and proposed enlargement, on property located at **134-01 20th Avenue** (Block 4138, Lots 1 and 50), in an M1-1 District, within the Special College Point District, Borough Of Queens, Community District 7.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on December 6, 2018 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 no other speakers on this 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:

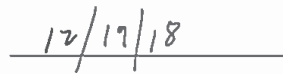
- The applicant is requesting a special permit that would allow certain Use Group 10 establishments without limitation on floor area per establishment on Block 4138, Lot 50. The applicant is considering re-tenanting an approximately 20,000 sf vacant retail space with a home furniture store on the ground floor of an existing partial two-story commercial building located on Lot 50. The applicant is also proposing to amend the shopping center site plan to include a potential 10,000 sf extension of the second floor over of the ground floor of the existing building;
- The subject property (Lot 50) is part of a larger commercial shopping center that includes another parcel (Lot 1). The shopping center is located at the northeast corner of 132nd Street and 20th Avenue. Lot 1 is operated and managed by College Point Management Inc. and contains a 79,000 sf partial two-story retail building. Lot 50 is owned and under the control of Mattone Group Retail, LLC, (co-applicant) and contains a 30,600 sf partial two-story commercial building. It is subject to the terms and conditions of a long-term commercial ground lease with CPEOA Limited Partnership (the applicant). The ground floor that was formerly occupied by an office supply store is currently vacant. The second floor of the building is currently used for office space. The accessory parking lot for the entire shopping center currently contains 403 parking spaces. A new 9,205 1-story retail building is under construction on another portion of Lot 1 pursuant to a City Planning Commission (CPC) approved modification. The approved modification would increase the number of parking spaces to 435 spaces;
- The applicant would like to lease the vacant approximately 20,000 sf ground floor of the building to a furniture store (UG10). Also, the applicant is proposing to amend the site plan to show the potential 10,000 sf extension of the second floor of the existing building. With that proposed enlargement of the building, the site plan would include required accessory parking spaces for 469 cars;
- The development site is subject to an existing special permit that was granted by the City Planning Commission (CPC) in 1989. There have been five amendments or modifications of the site plan since 1989. Most recently, in May 2018 CPC approved a minor modification to facilitate the development of a new 1-story (UG6) commercial building at the southwestern portion of the shopping center, reconfiguration of the parking lot to provide 403 accessory parking spaces, and allowance of a food store over 10,000 sf;
- CB 7 approved this application by a vote of thirty-five (35) in favor, one (1) against and none (0) abstaining at a community board meeting held on October 22, 2018.

RECOMMENDATION

Based on the above considerations, I hereby recommend approval of this application.



PRESIDENT, BOROUGH OF QUEENS



DATE