



CITY PLANNING COMMISSION

March 10, 2004/Calendar No. 33

C 040191 PPQ

IN THE MATTER OF an application submitted by the New York City Department of Small Business Services and the Economic Development Corporation, pursuant to Section 197-c of New York City Charter, for the disposition to the Port Authority of New York & New Jersey of city-owned properties located at John F. Kennedy and La Guardia Airports, restricted to airport uses and uses ancillary thereto, Community Districts 1, 3, 7, 10, 12, 13, and 14, Borough of Queens.

This application for the disposition of city-owned properties was filed by the Department of Small Business Services (DSBS) and the Economic Development Corporation (EDC) on November 13, 2003, for the disposition to the Port Authority of New York & New Jersey (Port Authority) of city-owned properties located at John F. Kennedy and La Guardia Airports, Borough of Queens, to be restricted to airport uses and uses ancillary thereto.

BACKGROUND

The proposed disposition is of city-owned properties known as John F. Kennedy International Airport and LaGuardia Airport. It is intended that the Port Authority will be the direct recipient of this disposition, which will be restricted to airport and airport-related uses. The proposed lease agreement will amend the current lease, which will expire in 2015, and extend it for an additional term of 35 years until 2050. The new lease will become effective immediately.

Both LaGuardia and JFK airports have operated under a lease agreement between the Port Authority and the City of New York since June, 1947. The original lease, which was for a term of 15 years, has been extended a number of times through Supplemental Agreements, the most recent in 1998. Additional properties have been added to the Airports since the original lease. At present the existing lease covers approximately 680 acres of land in northwest Queens that comprise LaGuardia Airport and 4,930 acres of land in southeast Queens that comprise JFK International Airport. The subject disposition would include all properties within the existing leasehold and properties used or required for airport operations. It is anticipated that properties within the right-of-way for the Light Rail System (JFK Air Train) would also be conveyed at the same time. These properties were previously approved for acquisition and disposition under ULURP applications C990117 PPQ and C990118 PPQ, adopted by the City Planning Commission on

May 5, 1999.

LaGuardia Airport is located in northwest Queens and generally bounded by Flushing and Bowery Bays on the north, Flushing Bay on the east, Grand Central Parkway and adjacent parkland to the south and 45th and 81st Streets to the west. LaGuardia is a Joint Interest Area zoned M1-1. It is surrounded by the neighborhoods of College Point in Community District 7 to the east, East Elmhurst and Jackson Heights in Community District 3 to the south and Astoria and Jackson Heights in Community District 1 to the west. The surrounding residential communities are fully-developed, lower-density areas that are zoned R3-2, R3A and R4. In Astoria/Jackson Heights immediately adjacent to LaGuardia's Marine Air Terminal, residential development consists of predominantly one-, two- and three-family detached homes and two large condominium garden apartment complexes. Residential development in the Elmhurst area south of the Airport consists of primarily one- and two- family homes. Across Flushing Bay to the east in College Point, residential development along the waterfront includes town house development and older detached and semi-detached homes.

LaGuardia Airport is used primarily as a domestic flight airport. Its terminals accommodate seven major airlines, 10,400 parking spaces in seven lots and a garage and five hangars for airplane maintenance and storage and food preparation.

JFK Airport is located in southeast Queens and generally bounded by Nassau Expressway on the north, Rockaway Boulevard on the east, Jamaica Bay and Gateway National Recreation Area on the south and the IND A subway line right of way on the west. It is a Joint Interest Area zoned M1-1 that is surrounded by parkland, the Aqueduct Race Track and the low-density residential communities of Howard Beach in Community District 10, South Ozone Park in Community District 12, Springfield Gardens, Brookville, Rosedale, Meadowmere and Warnerville in Community District 13, the Beach Channel community and the Rockaways in Community District 14. The surrounding residential areas are fully-developed, low-density communities that are zoned R2, R3-1, R3A and R3-2. The neighborhoods of South Ozone Park, Springfield Gardens and Rosedale are typically developed with detached and semi-detached one- and two-family homes. Howard Beach has large condominium garden apartment complexes. The Meadowmere and Warnerville areas are waterfront communities that are zoned M1-1.

Like the Beach Channel community, which is zoned R3-2, these areas are developed with older detached homes that front on Jamaica Bay or its basins.

JFK Airport properties encompass terminals, a hotel, FAA office building, air cargo warehouse operations and post office distribution center. The JFK complex also has a 32 million gallon capacity fuel farm and four electrical substations.

The lease agreement facilitated by this application will enable the Port Authority to enter into long-term subleases with its tenants beyond 2015, which is a necessary factor in securing financing for capital improvements on the airports.

ENVIRONMENTAL REVIEW

This application (C 040191 PPQ) 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 New York City Department of Small Business Services. The designated CEQR number is 04SBS002Q.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on November 13, 2003.

UNIFORM LAND USE REVIEW

This application (C 040191 PPQ) was certified as complete by the Department of City Planning on November 17, 2003, and was duly referred to Community Boards 1, 3, 7, 10, 12, 13 and 14, the Queens Borough Board and , the Queens Borough President , in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Queens Community Board 1 held a public hearing on this application on December 16, 2003, and on that date, by a vote of 28 to 5 with 0 abstentions, adopted a resolution recommending approval of the application subject to the following conditions:

A new Community Advisory Board be formed by the City of New York made up of 7 representatives of the surrounding Community Boards and representation from each of the surrounding City Council districts,

That the \$50,000,000 that the Port Authority of NY & NJ will provide to NYC for capital projects in Queens be approved by the Community Advisory Board

That the money be spent on Capital projects that will improve the quality of life of the seven adversely environmentally impacted Community Boards with projects that will help to reduce noise and air pollution.

Queens Community Board 3 held a public hearing on this application on January 15, 2004 and on that date, by a vote of 12 to 0 with 1 abstention, adopted a resolution recommending approval of the application subject to the following conditions:

AIRPORT BOARD

The City's appointees to the Airport Board include the

- S Borough President
- Representatives from all seven (7) Boards directly affected by the airports and elected official.

50 MILLION DOLLARS

The funds that will be allocated by the Port Authority be directed to Capital Projects for the (7) seven Community Boards that are directly impacted by the airports. In addition, all projects will be subjects to the review and approval of the Queens Borough Board annually.

TERMS OF THE LEASE AGREEMENT

The lease agreement must be reviewed for an increase, a minimum of every five years to address inflation and other expenses that may occur over the next 50 years.

LANDING LIGHTS PROPERTY

There are eight (8) sites known as the landing lights property located with C.B. #3. Currently, the Department of Parks is responsible for maintenance. The Port Authority is asked to provide funds to Parks Department to cover the expenses for maintaining said property and upgrade these sites by planting trees and installing benches for public use.

AUDIT REPORT OF ENVIRONMENTAL CONDITIONS

Port Authority provide an audit report on water, air and land conditions in the communities that are directly impacted by the airports - an annual environmental quality review.

BLACK CARS

Request that Port Authority has greater involvement in getting the black cars off of residential streets and into airport parking.

MASTER PLAN

Port Authority provide the master plan for the development of LaGuardia Airport.

NOISE

Port Authority continues to work towards reducing noise pollution.

Queens Community Board 7 held a public hearing on this application on January 12, 2004, and on that date, by a vote of 43 to 0 with 0 abstentions, adopted a resolution recommending approval of the application subject to the following conditions:

- 1) THAT THE CITY'S APPOINTEES TO THE AIRPORT BOARD TO BE FORMED INCLUDE THE BOROUGH PRESIDENT AND A MEMBER OF THE QUEENS CITY COUNCIL DELEGATION. (THE BOROUGH PRESIDENT HAS ALREADY ADVISED THE MAYOR THAT SHE WOULD LIKE TO SERVE ON THIS BOARD).
- 2) THAT THE PROJECTS SELECTED TO BE FUNDED BY THE \$50 MILLION DOLLARS PROVIDED BY PANYNJ FOR QUEENS CAPITAL PROJECTS BE SUBJECT TO APPROVAL BY THE QUEENS BOROUGH BOARD ANNUALLY.

Queens Community Board 10 held a public hearing on this application on December 4, 2002 and on that date, by a vote of 37 to 0 with 0 abstentions, adopted a resolution recommending approval of the application subject to the following conditions:

1. That the city's appointees to the Airport Board to be formed include both the Borough President of Queens and a member of the Queens Council delegation to be selected by the Queens City Council Delegation.
2. That the projects selected to be funded by the \$50 million dollars provided by PANYNJ for Queens capital projects be subject to approval by the Queens Borough Board annually.
3. That the property located within the confines of Aqueduct Race Track (Block 11543 part of Lot 2) be limited to parking uses only and that the Port Authority and/or the city seek to dispose of this tract to any other party, it be subject to ULURP review as a disposition.

Queens Community Board 12 held a public hearing on this application on December 17, 2003 and on that date, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following recommendation:

1. That the airport board be expanded to include Community Board 12 representation of at least 1 or 2 members.
2. That the Port Authority commits to beautifying and maintaining of the air train corridor beyond 2006 and assume full responsibility in the future thereof.
3. That the previously committed method to improve lighting in 143 Street Tunnel be completed with speed.
4. That Community Board 12 receives an annual review on the five-year generation of the \$50,000,000 allocation.
5. That the Board receives notification of response of this motion before the City Council approves.

Queens Community Board 13 held a public hearing on this application on December 15, 2003, and on that date, by a vote of 28 to 1 with 1 abstention, adopted a resolution recommending approval of the application subject to the following conditions:

1. That the Borough President of Queens and all successors in title hold a permanent seat on the Airport Board proposed by the Airport lease extension agreement,
2. That a permanent seat on the Airport Board be designated for a member of the Queens Delegation of City Council, to be elected annually by the Queens Delegation,
3. That the responsible City of New York agency provide opportunities for the community boards adjacent to LaGuardia and JFK International Airports to submit for consideration projects to be included in the \$50 million capital funding.
4. That an annual budget listing projects and funding to be proposed under the five-year \$10 million annual capital funding agreement be submitted to the Borough Board of Queens for review, comment, and approval.
5. That the on-airport 120 acre area east of the airport's runway 4R22L be permanently designated as security sensitive and any development must be subject to approval of the responsible agencies.
6. That wetlands and natural area including the DCAS and EDC-controlled properties along Rockaway Boulevard between Springfield and Brookville Parks just north of JFK Airport and Lots 16 and 101 in block 14260 at the eastern most portion of JFK bordering Thurston Basin, be immediately designated as parkland as called for in recent hearings of the City Council Parks and Recreation and Waterfront Committees and forever preserved as open space, cleared and restored with natural vegetation and protective fencing to ensure security. Improvements are to be funded within the five-year airport lease capital program.

7. That passenger vehicle only traffic be maintained on Belt Parkway and that studies be commissioned and executed, funded by the five-year airport lease capital program, to improve traffic flow on Rockaway Boulevard, Farmers Boulevard, Springfield Boulevard, Brookville Boulevard, 147th Avenue and other arteries to reduce pollution and congestion.
8. That pollution monitoring devices be acquired, installed and monitored in the communities surrounding JFK Airport, funded by the five year airport lease capital program. Results of the surveys are to be presented by responsible state, city and federal environmental agencies to surrounding community boards and interested parties on a semi-annual basis,
9. That all the entrances to JFK airport be professionally landscaped and maintained, consistent with the Van Wyck Expressway entrance, on a year round basis and all new or redeveloped air cargo areas on and off airport incorporate landscaped green/open spaces to mitigate negative aesthetic impacts on surrounding communities.
10. That the PA continue and increase its support of local beautification projects in the immediate neighboring communities to help them preserve their residential character and to actively participate in community efforts to improve Idlewild Park.
11. That the property located within the confines of Aqueduct Racetrack (Block 11543 part of Lot 2) be limited to parking uses only and that should the Port Authority and/or the city seek to dispose of this tract to any other party, it be subject to ULURP review as a disposition.

Queens Community Board 14 held a public hearing on this application on January 13, 2004 and on that date, by a vote of 5 to 29 with 2 abstentions, opposed a resolution recommending approval of the application.

Borough Board Recommendation

The Queens Borough Board considered the application on February 9, 2004 and issued a recommendation on February 18, 2004 approving the application with the following conditions:

PANY&NJ must provide ongoing maintenance and keep all areas and communities surrounding the airports leasehold in good repair. These areas include the green spaces surrounding the airports. Adjacent roadway areas, and in particular, all areas in Howard Beach and Jamaica to either side of the Air Train Guideway and the stations at Howard Beach and Sutphin Boulevard.

The interests of Queens must be represented on the proposed Airport Board that will have oversight of airport operations. The City will appoint four (4) members to sit on the proposed Airport Board. Each of the approving Community Boards has recommended that the Queens Borough President should be one of the members of the proposed Airport Board. The Mayor's Office has indicated the Queens Borough President will be appointed to the board;

JFK and LaGuardia Airports are located around and directly impact seven (7) surrounding Community Districts in Queens. The interests of the affected community districts must be protected and they should have an opportunity to voice the concerns of the residents they represent. EDC has indicated that an advisory board will be created to accommodate the interests of the community;

Borough President Recommendation

The Queens Borough President considered the application on January 29, 2004 and on February 19, 2004 issued a recommendation approving the application with the following conditions:

PANY&NJ must provide ongoing maintenance and keep all areas and communities surrounding the airports leasehold in good repair. These areas include the green spaces surrounding the airports. Adjacent roadway areas, and in particular, all areas in Howard Beach and Jamaica to either side of the Air Train Guideway and the stations at Howard Beach and Sutphin Boulevard.

The interests of Queens must be represented on the proposed Airport Board that will have oversight of airport operations. The City will appoint four (4) members to sit on the proposed Airport Board. Each of the approving Community Boards has recommended that the Queens Borough President should be one of the members of the proposed Airport Board. The Mayor's Office has indicated the Queens Borough President will be appointed to the board;

JFK and LaGuardia Airports are located around and directly impact seven (7) surrounding Community Districts in Queens. The interests of the affected community districts must be protected and they should have an opportunity to voice the concerns of the residents they represent. EDC has indicated that an advisory board will be created to accommodate the interests of the community;

City Planning Commission Public Hearing

On February 11, 2004 (Calendar No. 10), the City Planning Commission scheduled February 25, 2004, for a public hearing on this application (C 040191 PPQ). The hearing was duly held on February 25, 2004 (Calendar No. 12). There were three speakers in favor of the application and none in opposition. A representative of the Economic Development Corporation gave an overview of the Memorandum of Understanding between the City of New York and the Port Authority which forms the basis of the lease agreement that will result from the disposition of these city-owned properties. He briefly described the financial benefits to the City and the advisory boards that would be established to manage and monitor airport operations and solicit community input, all of which will be elements in the lease agreement. The Executive Director of the Cultural Collaborative Jamaica spoke about the opportunity to transform the Air Train terminal into a tourist destination centered on the history of jazz. The Executive Director of the

Greater Jamaica Development Corporation commented on their collaborative planning efforts for downtown Jamaica with the Port Authority, the Department of City Planning and other city agencies.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP # 03-073.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application submitted by the Department of Small Business Services and the Economic Development Corporation for the disposition to the Port Authority of New York & New Jersey of city-owned properties located at John F. Kennedy and La Guardia airports, restricted to airport uses and uses ancillary thereto, is appropriate.

The Commission is aware that the disposition is intended to be in the form of a lease agreement with a term extending up to 2050. The Commission is also aware that as a result of this disposition action, DSBS and EDC will be authorized to negotiate lease terms with the Port Authority to allow for the continued operation by the Port Authority of JFK and LaGuardia Airports beyond 2015 when the existing lease is scheduled to expire. The Commission also understands the disposition will allow the city to grant the Port Authority the right to continue to locate and maintain navigational and other airport-related equipment on city-owned land in the same manner as is permitted under the existing lease and permit airport-related use controls.

The Commission notes that the disposition would include all of the properties within the existing lease that are presently used or required for airport operations. The Commission is also aware that the properties within the Light Rail System right-of-way which links JFK Airport with the Howard Beach and

Jamaica subway stations, though not part of this application, will be conveyed to the Port Authority within the new lease agreement. These properties were previously approved for disposition to the Port Authority on May 3, 1999 (C990117 PPQ and C 990118 PPQ).

The Commission believes that this disposition will facilitate planning, financing and implementation of capital improvements on the airports by enabling the Port Authority to enter into long-term subleases with its tenants beyond 2015.

The Commission notes that in the public review process the community boards, the Queens Borough President and the Queens Borough Board expressed concerns about some of the elements in the proposed lease agreement that relate to the composition of an Airport Advisory Board and the selection of capital projects in Queens that would be funded by the Port Authority. At its public hearing, the Commission was informed by EDC that, pursuant to the new lease agreement, an Airport Advisory Board will be established, giving the City a participatory role in the management and operations of both JFK and LaGuardia airports. The Commission was also advised by EDC that the Queens Borough President will hold a seat on this advisory board.

The Commission is aware that the community boards also expressed concerns about local input into determining which capital projects in Queens would be funded by the Port Authority. At its public hearing, the Commission was informed by EDC that under the the proposed lease agreement, the Port Authority will provide the City with \$10 million annually for the first five years of the lease to fund capital projects in Queens. The Commission was advised that a community advisory board will be established to solicit input on capital projects from community boards affected by the airports.

The Commission notes these concerns and considers the Community Advisory Board to be the appropriate forum to address the issues raised by the communities regarding local capital improvement projects, maintenance and noise. The Commission also believes that the Queens Borough President will satisfactorily represent the concerns of Queens residents on the Airport Advisory Board.

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, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the disposition to the Port Authority of New York & New Jersey of city-owned properties located at John F. Kennedy and La Guardia Airports, restricted to airport uses and uses ancillary thereto, in the Borough of Queens, Community Districts 1, 3, 7, 10, 12, 13, and 14, proposed in an application by the Department of Small Business Services and the Economic Development Corporation, dated November 13, 2003, is approved.

The above resolution (C 040191 PPQ), duly adopted by the City Planning Commission on March 10, 2004 (Calendar No. 33), 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners