



IN THE MATTER OF an application submitted by NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, p/o Lot 25), pursuant to zoning, Borough of Queens, Community District 7.

This application (C 100206 PPQ) for the disposition of one (1) city-owned property was filed by the NYC Department of Citywide Administrative Services on January 12, 2010 to facilitate the proposed Flushing Commons development in Downtown Flushing, Queens Community District 7.

RELATED ACTIONS

In addition to the application which is the subject of this report (C 100206 PPQ), implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 100207 ZMQ** Application for an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District

- C 100208 ZSQ** Special permits pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD)

- C 100209 ZSQ** Special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces

- N 100210 ZRQ** Zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts

- N 100211 ZRQ** Zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors

C 100212 ZSQ	Special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces
C 100213 ZSQ	Special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces
C 100214 ZSQ	Special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces
N 100215 ZCQ	Chair certification pursuant to Section 62-811 relating to waterfront public access and visual corridors

BACKGROUND

The Department of Citywide Administrative Services (DCAS) is proposing the disposition of one (1) city-owned property known as the Flushing Commons site (Block 4978, p/o Lot 25), which is located on a block bounded by 37th Avenue, Union Street, 39th Avenue and 138th Street. Upon approval of the disposition, DCAS intends to dispose of the property to the New York City Economic Development Corporation (EDC). EDC intends to negotiate a direct sale with Flushing Commons, LLC to facilitate the development of the Flushing Commons site, an approximately 1.16 million square foot, mixed-use development proposed to include a 1.5 acre publicly-accessible open space and a 1,600 space below grade public parking garage. The Flushing Commons Site is currently used as a public parking lot (Municipal Lot #1) with a total of 1,100 spaces.

A full background discussion and project description appears in the report on the related application for a special permit (C 100208 ZSQ).

ENVIRONMENTAL REVIEW

This application (C 100206 PPQ), in conjunction with the related actions (C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100210 ZRQ, N 100211 ZRQ, C 100212 ZSQ, C 100213 ZSQ, C 100214 ZSQ, N 100215 ZCQ, and C 100216 HAQ (Macedonia Plaza)) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA

regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR No. is 06DME10Q. The lead is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a special permit (C 100208 ZSQ).

UNIFORM LAND USE REVIEW

This application (C 100206 PPQ), in conjunction with the applications for the related Flushing Commons and Macedonia Plaza actions (C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, C 100212 ZSQ, C 100213 ZSQ, C 100214 ZSQ, C 100216 HAQ), was certified as complete by the Department of City Planning on January 25, 2010, and was duly referred to Community Board 7 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications (N 100210 ZRQ, N 100211 ZRQ, N 100215 ZCQ), which were sent to Community Board 7 and the Borough President for information and review.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 100206 PPQ) on April 5, 2010, and on that date, by a vote of 35 to 2 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 7 appears in the report on the related application for special permits (C 100208 ZSQ).

Borough President Recommendation

This application (C 100206 PPQ) was considered by the Queens Borough President who issued a recommendation approving the application with conditions on April 26, 2010. A full discussion of the Borough President's resolution appears in the report on the related application for special permits (C 100208 ZSQ).

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 4), the City Planning Commission scheduled May 12, 2010 for a public hearing on this application (C 100206 PPQ). The hearing was duly held on May 12, 2010 (Calendar No. 19) in conjunction with the hearing on the related Flushing Commons and Macedonia Plaza actions (C 100207 ZMQ, C 100208 ZSQ, C 100209 ZSQ, N 100210 ZRQ, N 100211 ZRQ, C 100212 ZSQ, C 100213 ZSQ, C 100214 ZSQ and C 100216 HAQ).

There were a number of appearances, as described in the report on the related application for a special permit (C 100208 ZSQ), and the hearing was closed.

CONSIDERATION

The Commission believes that this disposition of city-owned property (C 100206 PPQ) is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report in the related special permit application (C 100208 ZSQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 11, 2010, with respect to this application (CEQR 06DME10Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic, and other essential consideration from among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the Final Environmental Impact Statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9(c)(3) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, p/o Lot 25), pursuant to zoning in the Borough of Queens, Community District 7, proposed in an application by the NYC Department of Citywide Administrative Services dated January 12, 2010, is approved.

The above resolution (C 100206 PPQ), duly adopted by the City Planning Commission on June 23, 2010 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, Commissioners

MARIA M. DEL TORO, Commissioner, Recused

KAREN A. PHILLIPS, Commissioner, Voted No

Queens Borough President Recommendation

APPLICATION: ULURP C100206 PPQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located at **38-15 138th Street**, Block 4978, p/o Lot 25, zoning map 10a, Flushing, Borough of Queens. (Related items: BSA# 326-09 BZ, ULURP# C100207 ZMQ, C100208 ZSQ, C100209 ZSQ, N100210 ZRQ, N100211 ZRQ, C100212 ZSQ, C100213 ZSQ, C100214 ZSQ, N100215 ZCQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 20, 2010 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 fifteen (15) speakers in favor, thirteen (13) speakers opposed to 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:

- This application is proposing the disposition of one (1) city-owned property to facilitate redevelopment of the existing Flushing Municipal Lot #1 with Flushing Commons a mixed-use development;
- Flushing Commons is a proposed 1.16 million sf mixed-use development containing approximately 620 market rate residential units, up to 275,000 sf of retail and restaurant space, up to 234,000 sf for commercial use or 250 hotel rooms, up to 98,000 sf of community facility including the shell and core for a 62,000 sf YMCA facility to be provided by the developer. The mixed-use development would be located in three building groups with retail space on the ground level and residential towers above. Dependant upon market conditions a commercial or hotel building is proposed for the southeast corner of the project site. Public parking would be provided in a 1,600 space below-grade garage that would replace the existing 1,101 municipal parking lot. The project would include a 1.5 acre publicly accessible open space available for the programming of public events and function as a town square with a formal plaza, terraced lawn, seating, and a water feature. Pedestrian passageways would connect the open space and provide access through the site to 37th Avenue, 39th Avenue, 138th Street and Union Street. Two residential buildings at the north side of the site on 37th Avenue would stand above a 2 to 3-story commercial base and the total heights would be 17-stories above the open space area. In the southeastern corner of the site on 39th Avenue and Union Street, a residential building and a hotel/office building would be built over a base that contains retail, restaurant space and the 62,000 sf YMCA. The building heights would be approximately 16 stories and approximately five to six stories respectively. An approximately five- to six-story building to be located at the southwest edge of the site would contain retail and office uses and is designed to form a continuous streetwall with existing buildings;
- The Macedonia Plaza project site is located on the northwest corner of the rezoning area around the Macedonia AME Church. In a related action, approximately 30,000 sf will be disposed by the Department of Housing and Preservation (HPD) to the Macedonia AME Church that would result in a 41,490 sf development parcel. Macedonia Plaza is a proposed 14-story mixed-use development comprising up to 140 affordable residential units, 5800 sf community facility space to house a daycare center and 7200 sf of retail space.;
- Downtown Flushing is the major intermodal transit hub of northeast Queens. The site is one block north of the Flushing-Main Street station, the terminus of the No 7 Flushing line, within four blocks of the Long Island Rail Road Flushing Main Street Station, and central to over 20 radial bus routes connecting to various sections of eastern Queens, Manhattan, the Bronx, and Nassau County. Also La Guardia Airport is located approximately four miles northeast of the site. The Main Street and Roosevelt Avenue intersection has been identified as the third busiest pedestrian intersection in New York after Times Square and Herald Square. The Department of Transportation (DOT) has been studying and designing traffic circulation improvements for Downtown Flushing for years. DOT will implement a modified 2-way pedestrian and traffic improvement program in July 2010 for a 6-month trial to address longstanding congestion, traffic circulation and pedestrian safety issues;

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- The subject block is mostly occupied by Flushing Municipal Parking Lot #1 (Lot 25) with approximately 1,100-space parking spaces. The eastern portion of the parking lot is on street level, while the western portion is a bi-level parking deck. The upper deck is designated for 451 long-term parking spaces. The street level parking is broken down as follows: 538 short term spaces, 72 reserved permit spaces and 40 spaces reserved for NYPD use. The remainder of the block (Lot 46 – approximately 10,000 sf) is occupied by the Macedonia African Methodist Episcopal (AME) Church on the east side of the parking lot along Union Street;
- The site is located in the heart of Downtown Flushing. The immediate surrounding area is currently zoned C4-3 and developed with a mix of commercial and residential uses and community facilities. The recently completed 12-story Queens Crossing is a mixed-use development located directly across 138th Street, between 38th and 39th Avenues. The block immediately east of the site is developed with a mix of commercial and residential uses as well as the 109th Police Precinct directly across Union Street. The Lippmann Arcade, a pedestrian passageway, connects the south of the subject block to Roosevelt Avenue. Development around the intersection of Main Street and Roosevelt Avenue includes a variety of national and regional chain stores, as well entrances on each of the corners of the intersection to the No. 7 subway station. The LIRR station is one block farther south at Main Street and 40th Road. A variety of institutional uses are located throughout the area amongst residential and commercial uses including public schools, hospitals, religious institutions, senior housing facilities, and community centers. Additional municipal parking facilities are located immediately south of the LIRR station on 41st Avenue (Municipal Lot 3), at the northeast corner of 39th Avenue and Prince Street (Municipal Lot 2) and under the Northern Boulevard Viaduct (Municipal Lot 4). The site is located within the “flight obstruction area” for LaGuardia Airport;
- In 2002, the Mayor’s Office established the Downtown Flushing Task Force consisting of city and state technical agencies, local developers and business owners, community board members and local elected officials to work with the consultant firm Cooper Carry on a community planning process focused on the Downtown Flushing area of Queens. In 2004, the Task Force produced the Downtown Flushing Development Framework which proposed redevelopment of Flushing Municipal Lot #1 as a way to reconnect and renew Downtown Flushing. Some of the goals of the redevelopment were stated as follows: to create a town square-style public open space; enhancement of the pedestrian environment with street-level retail; help meet housing demand and stabilize the retail market; maintain competitively priced parking on-site; to serve as a clear example of high-quality design and construction for the area;
- Following a Request For Proposals process, the Flushing Commons development team was selected to redevelop Flushing Municipal Parking Lot #1. These projects have gone through many years of planning and meetings with elected officials, Community Board 7, nearby business owners and area residents. To address many issues that were raised a letter from former Deputy Mayor Daniel Doctoroff was sent to former Councilmember John Liu confirming some of agreed upon conditions between NYCEDC and the developer including a parking rate cap for five years, business interruption plans and youth center space;
- The existing municipal parking facility on the site would be closed and demolished at the start of construction. The parking lot currently accommodates short-term parking as well as long-term commuter parking. To accommodate the short-term parking demand during construction, the proposed project includes an interim plan for public parking facilities on three nearby sites providing a total of 1,144 public parking spaces. Three interim-parking sites owned by the developer are located at the existing Flushing Mall north and south of 37th Avenue between Prince Street and College Point Boulevard which would provide 647 temporary public parking spaces, a 4-acre parcel also owned by the developer at College Point Boulevard between 39th and 37th Avenues would provide 309 temporary public spaces, and the existing Municipal Lot #2 (Prince Street between 38th and 39th Avenues) would be increased from 87 spaces to 275 public parking spaces. The current long-term parking at Flushing Municipal Lot #1 will be moved to the Citi Field parking lot permanently. The interim parking fees will be capped well below market-rate and increased only for inflation during the expected three-year construction period and first two years after the completion of the project. The parking rate cap would be removed after approximately 5 years and the applicant has stated that parking fees will remain below-market rate. A parking validation program will be available for all neighborhood merchants and businesses;
- A letter dated April 5, 2010 from Deputy Mayor Robert Lieber was sent to Councilmember Peter Koo and CB 7 to assure that his office would work diligently to achieve the following: a liaison from the developer’s construction management firm will be provided and meet on a monthly basis with CB 7, the Queens Borough President’s Office and Councilmember Peter Koo before and during construction; construction workers will park on site, the Queens Crossing garage or other off-street parking facilities, not on street; the YMCA will present to CB 7 before YMCA begins to market the sale of their Northern Boulevard property and update the sales progress; the City will work with Councilmember Peter Koo on the implementation of the small business assistance plan and will present the plan to Queens Borough President and CB 7; NYPD will remove evidence vehicles expeditiously; any issues with parking associated with 109th Precinct will be addressed in monthly District Service Cabinet Meetings; Muni Lot #2 for 275 valet parking spaces and Flushing Commons parking garage will be public parking facilities licensed by the NYC Department of Consumer Affairs; the 1600 parking spaces in Flushing Commons will exceed the amount required by the RFP; during the three-year construction

period and for the first two years of operations after opening Flushing Commons' and Muni Lot 2's parking rate will be capped as stipulated in Doctoroff/Liu letter; thereafter, parking rates will be competitive with other Queens retail centers; the School Construction Authority (SCA) assesses the school capacity need within each area of School District 25 where the Flushing Common is located annually and will adjust recommendations based on sustained trends; EDC will work with CB 7, the Flushing BID and the Flushing Chamber of Commerce to encourage to bring a multiplex movie theater in Downtown Flushing; additional 24 mini-meters will be installed on Main and Union Streets; DOT will work with the community and businesses to study all on-street parking options; the completion of computerization of traffic signals anticipated by the end of June 2011; the pilot pedestrian and traffic improvement proposal (the modified 2-way operation) will be implemented in July for a 6-month trial; if warranted, the one-way pairing of Main and Union Streets will be explored; DOT is planning to conduct a traffic monitoring program for the Downtown Flushing Traffic and Safety Improvement (the modified two-way operation). Based on the analysis of the traffic data and field observations, additional improvement measures will be implemented; HPD has been working with Macedonia Development Corporation to ensure an experienced development team is formed;

- Community Board 7 (CB 7) approved this application with conditions by a vote of thirty-five (35) in favor with two (2) against and one (1) abstaining at the Community Board meeting held on April 5, 2010. CB 7's conditions of approval for the proposed Flushing Commons development were as follows: CB 7 wants a Letter of Agreement signed by the NYPD commanding officer of 109th Precinct and NYPD Queens North Borough Commander confirming the conditions stated in the Deputy Mayor's letter to CB 7 regarding the police evidence cars and; police parking; parking rate structure be capped in perpetuity as per the terms of the Doctoroff-Liu Letter of Agreement dated July 11, 2005; the permanent location and rates for Long Term Parking Needs of the Merchants and Workers of Flushing be addressed; CB 7 must be included the Draft RFP process for the operation of Muni Lot #2; ongoing support of Queens Borough President Helen Marshall and Councilmember Peter Koo to ensure the Small Business Interruption Plan is effective; if the modified two-way traffic plan is deemed unsuccessful or insufficient by the agreed December 31, 2010 Trial conclusion date, DOT should immediately implement the one-way pair plan; uniform signage for all commercial space with English as primary language; CB 7 must have input and approval regarding sale of the current YMCA site; YMCA provide subsidized "Strong Seniors" program, day care service, summer day camp, "Open Pool-Free Swim" for Flushing residents and free lunchtime use of facility for workers in Downtown Flushing; the proceeds of the purchase price of Flushing Municipal Lot #1 be reinvested into capital improvements and programs for Downtown Flushing including extension to the Mezzanine Corridor for the Main Street Subway Station, the current YMCA parking lot on 37th Avenue for municipal neighborhood parking, consideration given to the current YMCA site as a school, and movie theater in the area. CB 7's conditions of approval for the proposed Macedonia Plaza affordable housing project were as follows: the affordable housing complex must provide parking; the 7,500sf retail component should be eliminated and the space be replaced with additional housing units or community space; senior affordable housing be included; and construction of Macedonia Plaza should be delayed to allow customer parking for Union Street merchants;
- At the Borough President's Land Use Public Hearing, many speakers expressed concerns about the loss of the 1101 parking spaces during the three-year construction period and increased traffic after the completion of the project that will affect the small businesses especially those directly around Flushing Municipal Lot #1. There were also speakers who were supportive of the plan to develop the site with new retail, open space, housing and employment opportunities.

RECOMMENDATION

Based upon the above consideration, I hereby recommend approval of this application with the following conditions:

- The Queens Borough President together with Councilmember Peter Koo will co-chair the Downtown Flushing Traffic Task Force comprised of representatives from the Mayor's Office, Community Board 7, NYPD, Department of Transportation, Police Department, Fire Department, Metropolitan Transportation Authority, Flushing Commons and Macedonia Plaza projects, Flushing BID, community representatives, business owners and all other affected parties to have monthly meetings before, during and after construction. The meetings will be a forum for the relevant agencies to give updates on Downtown Flushing traffic related issues, to work out solutions to any traffic issues that may arise, construction updates and to receive input from the community on traffic concerns;
- The developers should make an ongoing outreach effort to inform and promote opportunities available to the community and local MWBE firms to provide goods and services for the project during construction and allow local MWBEs to participate in the commercial activity that will occur after construction is completed;
- Small businesses particularly those along the perimeter surrounding the proposed projects on 37th & 39th Avenues, 138th Street and along the Union Street between Roosevelt Avenue north to Northern Boulevard will most be directly impacted during construction and by the loss of public parking at the removal of Flushing Municipal Parking Lot #1. The Queens Borough President will work with Councilmember Peter Koo and the NYC Small Business Administration in developing the Business

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Interruption Plan for the most effective use of the \$2 million business assistance fund that will be established to help small businesses affected during construction of the proposed projects;

- The availability of affordable parking spaces is of utmost importance to attract customers to small businesses in the area. Therefore, parking rates for the Flushing Commons should be maintained below-market rate close to municipal rates beyond the five-year cap. Public parking must be affordable to sustain and support the existing local small businesses who have invested heavily into their trust of the future economic health of Downtown Flushing;
- Downtown Flushing is most used major intermodal transit hub in New York City outside of Manhattan. The Roosevelt Avenue and Main Street Intersection is the third busiest intersection with the heaviest volumes of pedestrian traffic topped only by Times Square and Herald Square in Manhattan. Traffic enforcement agents should be posted year round at the Roosevelt Avenue and Main Street intersection during the peak rush hours Monday through Friday and during the Saturday and Sunday peak hours identified in the Environmental Impact Statement to keep traffic flowing in an orderly manner. The presence of traffic enforcement agents at these locations should be permanent basis like other two busiest intersections in the City, not just for the duration of DOT's Pedestrian Traffic Improvement Pilot program;
- As part of the Business Interruption Plan, the City should explore various means to help small businesses including aggressive marketing strategies, tax relief programs, and alternative parking spaces closer to help them during the construction period;
- Downtown Flushing is a growing residential community with thriving commercial and retail activity. The retail and commercial mix that will be brought into Flushing Commons should not be duplicative of the goods and services readily found in Downtown Flushing today. Instead, new retail and commercial uses, such as a national book chain that would complement the existing businesses in Downtown Flushing should be sought for Flushing Commons.


PRESIDENT, BOROUGH OF QUEENS


DATE

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C100206PPQ
CEQR # 06DME10Q
Community District No. 07 Borough: Queens
Community District No. 7 Borough: QUEENS
Project Name: Flushing Commons

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. 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 the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located at 38-15 138th Street, (Block 4978, p/o Lot 25), pursuant to zoning

Applicant(s):

Randal Fong, First Assistant Commissioner
Dept. of Citywide Administrative Services
One Centre Street, 20th Floor South
New York, NY 10007

Applicant's Representative:

Hardy Adasko, Senior Vice President
NYC Economic Development Corporation
110 William Street
New York, NY 10038
212.312.3703

Community Board No. 7 Borough: Queens

Borough Board

Date of public hearing: MARCH 22, 2010

Location: UNION PLAZA CARE CENTER
33-23 UNION STREET, FLUSHING

Was a quorum present? YES ☒ NO ☐

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: APRIL 5, 2010 Location: SAME AS ABOVE

RECOMMENDATION

☐ Approve

☒ Approve With Modifications/Conditions SEE ATTACHED

☐ Disapprove

☐ Disapprove With Modifications/Conditions

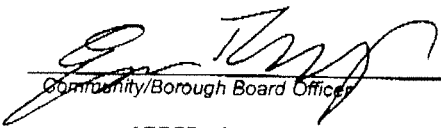
Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

MOTION - TO APPROVE AS PER ATTACHED LETTERS AND COMMITTEE REPORT.

Voting

In Favor: 35 Against: 2 Abstaining: 1

Total members appointed to the board: 50


Community/Borough Board Officer

CHAIRPERSON
Title

APRIL 6, 2010

Date

v.012006w

TO: Gene Kelty – Chairman CB#7 Queens
FROM: Chuck Apelian
RE: FLUSHING COMMONS – Macedonia Plaza Affordable Housing
DATE: April 5, 2010

Our Committee met numerous times since these projects were certified on January 25, 2010 (Attendance Sheets in File). After exhaustive presentations and detailed questioning, our Committee voted to conditionally approve these projects as per the attached Letter of Agreement from Deputy Mayor Robert Lieber dated April 5, 2010 (DM LETTER), and our following stipulations:

POLICE

- We want a Letter of Agreement signed by the NYPD Commanding Officer of 109th Precinct and NYPD Queens North Borough Commander confirming terms #5 and #6 in DM LETTER.

PARKING/TRAFFIC

- We want the Parking Rate Structure *capped* in perpetuity as per the terms of the Doctoroff-Liu Letter of Agreement dated July 11, 2005 (DOCTOROFF LETTER).
- We want a plan addressing the permanent location and rates for Long Term Parking Needs of the Merchants and Workers of Flushing (including those of Flushing Commons).
- CB#7 must be included the Draft RFP process for the operation of Muni Lot #2.
- We need the ongoing support of Queens Borough President Helen Marshall and NYC CM Peter Koo to ensure the Small Business Interruption Plan is effective and allows all merchants the opportunity to remain open during the Construction period of both projects.
- If the Modified Two-Way Traffic Plan is deemed unsuccessful or insufficient by the agreed December 31, 2010 Trial conclusion date, we want NYC DOT to immediately implement the One-Way Pair approved by CB#7 and the Flushing Business Groups.

SIGNAGE

- We want Uniform Signage for all Commercial Space with English as Primary Language.

MACEDONIA PLAZA

- The Affordable Housing Complex must provide parking. It is unconscionable to build 140 units of housing in downtown Flushing and not provide *any* parking. Where will these residents park? Where will the Congregants of the Macedonia Church park once free Sunday parking is eliminated in Muni Lot #1? There is a great concern the Church is creating a parking and traffic nightmare on Union Street that will not be able to be mitigated.
- The 7,500 SF Retail Component should be eliminated and this space should be replaced with approximately 10 – 12 additional housing units or Community Space. There will be 300,000 SF of new Retail space provided in Flushing Commons; the proposed Macedonia retail space is duplicitous.
- There is a shortage of Senior Housing in Downtown Flushing; therefore, we want Senior Affordable Housing included in this building.
- The project is in close proximity south of the Union Street Merchants. Construction of Macedonia Plaza should be delayed to allow customer parking for Union Street Merchants.

YMCA

Everyone agrees the YMCA is a great community organization and a great fit for Downtown Flushing. However, the size and cost of their New Facility in Flushing Commons has increased subsequent to the terms of the DOCTOROFF LETTER. This comes at a price since other components promised in this project (i.e. Movie Theatre, National Bookstore, Business Class Hotel, capped parking rates) are no longer included. Also the YMCA remains in control of the sale of their existing Site on Northern Boulevard and Bowne Street, which could potentially cause problems for our Community if the property falls into the hands of the wrong developer.

Therefore, we believe YMCA has an obligation to the people of Flushing to agree to the following:

- CB#7 must have input and approval regarding sale of their existing Northern Boulevard Site.
- We want Open Enrollment in a Subsidized "Strong Seniors" program for Flushing residents.
- We want Subsidized Day Care Service for Flushing residents.
- We want Free Lunchtime use of Facility for workers in Downtown Flushing.
- We want Free designated time for "Open Pool-Free Swim" for Flushing residents.
- We want a Subsidized Summer Day Camp enrollment for Flushing residents.

INVESTMENT OF PURCHASE PRICE

On December 13, 2004, CB#7 *unanimously* passed the attached Resolution insisting the Proceeds of the Purchase Price of Flushing Municipal Lot #1 be reinvested into Capital Improvements and Programs for Downtown Flushing.

We the people who live and work in Flushing have made this land valuable, and the benefit of this value should remain within the community where it was created.

We also recognize NYC will benefit tremendously from the development of this site due to:

- a) An increase in NYC Real Estate Tax revenues generated by this development, an
- b) An increase in NYC Sales Tax revenues generated by additional retail commerce, and
- c) An increase in NYC Income Tax revenues generated by additional construction and permanent employment.

Therefore as part of the reinvestment into Downtown Flushing, we ask our Elected Officials to support us with the following needs:

- We want Extensions to the Mezzanine Corridor for the Main Street Subway Station extended North along Main Street to Queens Crossing (39th Avenue) and West along Roosevelt Avenue to Prince Street to alleviate congestion at the Intersection of Main Street and Roosevelt Avenue (the third most congested pedestrian intersection in NYC).
- The City should purchase the current YMCA Parking Lot on ^{37 Ave} Bowne Street and maintain its use for neighborhood parking.
- We want additional schools in the Downtown Flushing area, and the current YMCA Site on Northern Boulevard and Bowne Street should be retrofitted as a school.
- We want a Movie Theatre included in this project as per the DOCTOROFF LETTER.

Our Full Committee Vote was 14-3 to approve, and your Community Board Members in Committee voted unanimously 14-0 to approve.

Respectfully Submitted,

Chuck Apelian
Committee Chair - Flushing Commons - Macedonia Plaza
Land Use Co-Chair - CB#7
Vice Chair - Community Board #7



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

ROBERT C. LIEBER
DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

April 5, 2010

Councilman Peter Koo
135-27 38 Ave, Suite 388
Flushing, NY 11354

Chairman Eugene T. Kelty Jr.
Vice Chair Chuck Apelian
Queens Community Board #7
133-32 41" Road, Third Floor
Flushing, NY 11355

Dear Councilman Koo, Chairman Kelty, and Vice Chair Apelian:

The Flushing Commons and Macedonia Plaza projects should generate \$850 million in economic output from construction, and an estimated \$720 million in annual economic output from operations and expenditures into Downtown Flushing at a time when new jobs are most needed. The projects are the result of a comprehensive multi-year planning process involving City and State agencies, local and state elected officials, community members, advocacy groups, and local business leaders. The mixed-use development program will provide a broad range of benefits to the community including:

- Approximately 2,600 construction and 1,900 permanent jobs;
- 1.5 acres of public outdoor open space to support community sponsored cultural events and performances;
- A 62,000-square foot, state-of-the-art YMCA which will include a full size gym/basketball court, running track, two pools, daycare and a significant youth center;
- 36,000 additional square feet of community space;
- The creation and implementation of a comprehensive strategy to identify local businesses and residents to work on the project during and after construction;
- The use of low impact development techniques and green building technologies by the Flushing Commons developer to achieve LEED certification;
- \$2 million allocated to assisting small businesses affected by the construction of the project;
- A 1,600 space parking garage sized to meet parking demand and priced at below-market rates;
- Dynamic retail options that will complement existing retail supply, including outdoor cafes and seating areas;

- Parking capacity at Muni Lot 2 increased from 87 spaces to 275 spaces;
- 1,144 additional interim parking spaces within four blocks of Muni Lot 1 during construction;

Since January, this office, New York City's Economic Development Corporation (EDC), Department of Transportation (NYCDOT), Department of Housing Preservation and Development (HPD), and the developers of the Macedonia Plaza and Flushing Commons projects have met more than ten times with the Community Board and its leadership. During these meetings we have heard concerns regarding the following issues which I would like to address directly at this time. The purpose of this letter is to assure you that my office will work diligently to achieve the following:

Construction:

1. A liaison from the developers' construction management firm will be provided to interface with the community and meet on a monthly basis with Community Board 7, the Queens Borough President's Office and the Councilman before and during construction.
2. Construction workers will be expected to park on the site and will be encouraged to park at the Queens Crossing garage or other off-street parking facilities, and discouraged from parking on-street.

YMCA:

3. The YMCA will present to Community Board 7's land-use committee before the YMCA begins to market the sale of their Northern Boulevard property. The YMCA will also update the land-use committee on progress.

Business Interruption Plan:

4. We will work with Councilman Koo on the implementation of the small business assistance plan and will present the plan to the Queens Borough President and Queens Community Board 7's land-use committee.

Police Parking:

5. NYPD will make their best efforts to remove evidence vehicles expeditiously.
6. In the event that concerns arise around parking associated with the 109th Precinct, representatives from Patrol Borough Queens North, EDC and NYCDOT will address those issues with the community at the monthly District Service Cabinet Meetings.

Parking:

7. Muni Lot 2 will be reconstructed with stackers to provide 275 valet parking spaces and will be a public parking facility licensed by the New York City Department of Consumer Affairs.
8. The Flushing Commons parking garage will be a public parking facility licensed by the New York City Department of Consumer Affairs.

9. The 1,600 parking spaces in Flushing Commons will exceed the amount required by the RFP by 75 parking spaces. The combined total of 1,875 parking spaces in Flushing Commons and Muni Lot 2 will fulfill the understanding in the Doctoroff/Liu letter that all of the public parking spaces currently located on Site (1,101) will be replaced within the proposed development, and additional parking as required under C4-4 zoning (700) will be provided.
10. During the projected three-year construction period and for the first two years of operations after opening, Flushing Commons' and Muni Lot 2's parking rates will be capped as stipulated in the Doctoroff/Liu letter. Thereafter, parking rates will be competitive with other Queens retail centers.

School:

11. The School Construction Authority (SCA) assesses the school capacity need within each area of School District 25 annually and will adjust recommendations based on sustained trends. Downtown Flushing is part of a larger subdistrict of District 25 that SCA analyzes in developing capacity recommendations for the Department of Education's five-year capital plan. In September 2008, PS 244 opened and added approximately 350 seats to the Downtown Flushing area.

Movie Theater:

12. EDC will work with Queens Community Board 7, the Flushing BID and the Flushing Chamber of Commerce to encourage future developers of sites in Downtown Flushing to develop a multiplex movie theatre.

Traffic/DOT:

13. NYCDOT has already begun the installation of muni-meters in the downtown area – 136 muni-meters have replaced 863 single space meters along Northern Boulevard and the Avenues between Northern Boulevard and Roosevelt Avenue. The remaining 24 muni-meters will be installed on Main and Union Streets as soon as the planned sidewalk widening is completed. The Department is committed to working with the community and businesses to study all on-street parking options, including establishing loading zones and exploring the potential for commercial muni-meters within downtown Flushing.
14. Computerization of traffic signals along 14th Avenue, 20th Avenue, 32nd Avenue, 150th Street, 164th Street, Booth Memorial Avenue, College Point Blvd, Cross Island Parkway service roads, Francis Lewis Blvd, Kissena Blvd, Linden Place, Parsons Blvd, Sanford Ave, Union Street, Utopia Parkway, the Whitestone Expressway service roads, and Willets Point Blvd is well underway. To date, 310 of the 360 planned Advanced Solid State Traffic Controllers (ASTC) have been installed. The remaining 50 should be completed by September. The ASTCs are required to gain connectivity to the central computer system. The connections to the central computer network will begin in July. DOT anticipates full connection to the computer network

by the end of June 2011 as long as construction delays are not experienced. (Major weather events or other unforeseen circumstances cannot be predicted).

- 15 The pilot pedestrian and traffic improvement proposal for the downtown Flushing area will be implemented in July for a 6-month trial. The modified 2-way plan will be adjusted as traffic conditions and pedestrian activities are analyzed and will be coordinated with the MTA bus, NYCT bus and NYPD enforcement areas. The adjustments will be made in advance of the 6-month period as conditions warrant. Once sidewalks are expanded, future consideration, if warranted, of the one-way pairing of Main and Union Streets will be explored.
16. NYCDOT is planning to conduct a traffic monitoring program for the Downtown Flushing Traffic and Safety Improvement (the modified two-way operation) project. As part of the monitoring program, NYCDOT will collect pre- and post-implementation traffic data that will include Automatic Traffic Recorder (ATR) counts, vehicle turning movement/classification counts, pedestrian/bicycle counts, travel time and delay runs, and observation of field conditions (i.e., queues, congestions, etc.). Pre-implementation data will be collected in May/June 2010 and post data will be collected in the first, third and fifth months of the implementation. Field data and observations will be performed at up to fourteen critical intersections along Main Street, Union Street, Prince Street, Northern Boulevard, Roosevelt Avenue, and Sanford Avenue. Based on the analysis of traffic data and field observations, additional improvement measures, if warranted, will be implemented.

HPD/Macedonia

17. Macedonia Development Corporation (MDC) is in the process of finalizing its development team. HPD has been working with MDC to ensure an experienced development team is formed.

I look forward to working with you in developing a successful project. Please feel free to call with any questions.

Sincerely,



July 11, 2005

Honorable John C. Liu
20th Council District
135-27 38th Avenue, Suite 388
Flushing, NY 11354

Dear Council Member Liu:

We are pleased to confirm our understanding with respect to your support of the development of Municipal Lot #1 in Downtown Flushing (the "Site"), including your support for any public approvals that may be necessary in connection with the development contemplated in the Conditional Designation Letter agreed to by and between the New York City Economic Development Corporation ("NYCEDC") and the development team ("Developer") dated June 18, 2005. Your signature at the end of this letter will signify our understanding:

Need
CDL

As you know, development of the Site will be a high-quality mixed-use housing and commercial development. Design guidelines and recommended uses were formulated through a comprehensive planning process involving City and State agencies, local and State elected officials, community members, advocacy groups, and local business leaders. The mixed-use development program will address several important public goals for Downtown Flushing, including:

- Creating a town square-style open space that will be a center of community activity.
- Enhancing the pedestrian environment with street-level retail to attract shoppers east of Main Street.
- Addressing housing demand and helping to stabilize the retail market by establishing a new residential community downtown.
- Maintaining below-market rate parking on the Site both during and after construction.
- Serving as a clear example of high-quality, sustainable design and construction that will raise the standard for private investment in Downtown Flushing.

It is anticipated that after the Developer for the Site is announced, NYCEDC and the Developer will establish a Municipal Lot #1 working group. This working group will focus on effective communication and information sharing among the Developer, City agencies, local government officials and community and business representatives. The working group will be informed and engaged in the development process from project kick-off through the environmental review and the Uniform Land Use Review Procedure.

Together with your support within the working group and on future public approvals, the City intends to address the quality of life and other matters of community concern you have raised as follows:

1. Development Program/Tenant Mix

The intended development on the Site will include a vibrant street-level retail district including uses such as cafes, family-style restaurants, a bookstore, a multi-screen cinema, and other local and national retailers to expand shopping opportunities for Flushing residents. The development will also include a business-class hotel. The Developer will provide a public open space to be landscaped and utilized as a town square for Flushing. This space is to be located in the southwest quadrant of the Property and will be open to the public at all times of the day and year. The Developer will be responsible for the maintenance and security of this open space.

2. Parking

Subject to environmental review, all of the public parking spaces currently located on Site will be replaced within the proposed development, and additional parking as required under the C4-4 zoning will be provided. We will require that the deed from NYCEDC to the Developer contain a covenant that rates for the public parking spaces shall be no more than the following. For the first 2 years after opening of the development, rates (in 2004 dollars) shall be, at maximum, \$2 for one hour, \$3 for two hours, \$4 for three hours, and \$5 for 4 hours. Beginning in the third year of the development's operation, rates (in 2004 dollars) shall be, at maximum, \$3 for one hour, \$4 for two hours, \$5 for three hours, and \$6 for 4 hours. These rates include all taxes, fees and surcharges payable by the public.

To account for general market inflation, after the third year of the development's operation, the Developer may increase the public parking rates annually by an amount reflecting the greater of a) 3% annum, or b) annual increases in the Consumer Price Index to all Urban Consumers ("CPI-U"), published by the Bureau of Labor and Statistics of the United States Department of Labor, New York, N.Y. and Northeastern N.J. Area. Once the rates are included in the deed, there will be no change in public parking rates unless NYCEDC approves a modification to the deed. Upon notice from Developer requesting a modification to the deed, NYCEDC will review the request with the Flushing Business Improvement District ("BID") and the Department of Small Business Services ("SBS").

During construction, an interim parking plan will be implemented. This plan calls for the creation of hundreds of replacement public parking spaces in Downtown Flushing within a short walking distance to the Site, and the creation of a number of parking spaces on Site to be utilized by customers of businesses directly surrounding the Site. Offsite interim parking will be located at 39-08 Prince Street (approximately 300 cars) and at 37-02 College Point Boulevard (approximately 600 cars). The rates for the onsite interim parking spaces and the offsite interim parking spaces at 37-02 College Point Boulevard will mirror those specified for the first two years after opening of the development.

3. Business Improvement District ("BID")

The Developer will request that the Flushing BID expand its covered area to include the entirety of the site.

4. Community/Youth Center Space

We will require that the Developer provide a minimum of 50,000 gross square feet of compact and contiguous space with double-high ceiling heights to be used as a recreational facility for youth and families. This facility is to be provided to the recreation center tenant for \$0 in annual base rent. The tenant shall be responsible for common area charges and operating expenses, including water, electricity, garbage removal, security, and personnel. This facility shall be leased to the recreation center tenant for \$0 in annual base rent as long as the space remains a recreational facility.

In addition to providing the core and shell (described below), Developer shall provide a \$5,000,000 allowance for tenant improvements to the recreational facility. The base building shell and core shall include:

- A structural shell for a 10,000 square foot basketball court with a ceiling height of at least 28 feet.
- A hard floor surface smooth and level appropriate for a basketball court ready to receive tenant finishes.
- A structural shell for a 10,000 square foot swimming pool ready to receive tenant finishes. Ceiling height shall be at least 18 feet.
- Areas of the recreation center not utilized for the pool or gym shall be of sufficient height to allow for two floors of general-purpose space.
- The primary electrical service and panels connected to sub-panels providing adequate service for the tenant's needs, ready for tenant distribution within the premises.
- Base building and supplemental HVAC capacity adequate for the tenant's needs stubbed out at shafts and ready for tenant distribution within the premises.
- Sprinkler system including risers, panels and temper switches and main adequate for a temporary certificate of occupancy. Branch distribution and drops are to be provided by the tenant.
- Life safety systems and devices installed pursuant to the New York City Building Code throughout the core areas.
- Passenger elevators serving each floor, fully furnished with carpet, plastic laminate wall panels and stainless steel handrails on three sides or other equivalent finishes.
- Stairways installed pursuant to New York City Building Code. Stairwell walls to be painted. Handrail detail to be per Landlord specification. No floor covering.
- Sanitary and hot and cold-water piping roughed for bathrooms and showers ready for tenant installation of fixtures, tiling, etc.
- A main telephone trunk line and empty conduit to accommodate tenant telecommunications.
- The recreational facility premises cleaned, patched and finished to a reasonably uniform standard. All floors to be level and smooth ready to receive tenant's finish flooring. Any load bearing or other core walls will be installed and sheet-rocked taped and spackled and ready for the tenant's finishes. All partitions for bathrooms and elevator shafts to be slab to slab with acoustic insulation.
- A building entry lobby installed pursuant to Developer's specification, which shall be provided to the tenant.
- Security system to be installed at the tenant's expense.

5. Business Interruption Program ("BIP")

A BIP will be developed in conjunction with the New York City Department of Small Business Services to mitigate the impact of construction on the Site to surrounding businesses within a "construction impact zone." This BIP will reflect a comprehensive good-faith effort by NYCEDC to accommodate the concerns of the surrounding businesses and will include the allocation of \$2,000,000 for the creation and implementation of business outreach and other construction impact mitigation measures.

6. Local Outreach Plan/Mining Strategy

Prior to construction, it is expected that the Developer will set up and host a variety of trade fairs and workshops, and seek assistance from area-wide minority and women-owned business associations (including, but not limited to, the Asian American Business Development Center, the Asian Women in Business Association, the Hispanic Chamber of

Commerce, and the Northeast Queens branch of the National Association for the Advancement of Colored People), local elected officials, the Flushing Chamber of Commerce and Business Association, the Korean American Association of Flushing, the Flushing Chinese Business Association, the Taiwan Merchants Association, and the Community Board to develop a comprehensive strategy to identify local businesses and residents that are looking for work in the construction and post-construction phases of the project. Additionally, upon completion of the project, it is expected that the Developer will actively pursue opportunities to participate in local hiring programs such as those provided by Workforce 1 Career Center, YMCA of Greater New York, LaGuardia Community College, New York Urban League, and the Consortium for Worker Education, Inc. to fill open positions with the development. In addition, it is expected that the Developer will strongly encourage the hotel operator and the retailers leasing space in the project to use these and other programs to assist them in hiring local workers.

The public parking, the community/youth center space, the business interruption program and other investments referred to above, as well as the public open space, and the fit-out allowance for tenant improvements to the additional community/cultural facility space are all components of the Municipal Lot #1 development agreed to in the signed Conditional Designation Letter with the Developer, or are the obligation of the Administration, but their costs are estimates derived from the overall costs of the development and other assumptions. Furthermore, the estimated value of the benefits, reflected in the attached chart labeled "Municipal Lot #1 Community Investments", is in no way linked to the sale price of the Municipal Lot #1 site or any other expense associated with the development of the site.

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In addition to the investments described above, NYCEDC will also continue to implement other capital improvement projects in the Flushing area that, while not part of the Municipal Lot #1 development, do constitute new improvements for the Flushing community and are a product of the Downtown Flushing Development Framework. The type and estimated cost of these benefits are included in the attached chart labeled "Downtown Flushing Investments".

Our preparedness to address and implement the above items is, of course, dependent upon your support for development on the Site in the form described above. If the foregoing satisfactorily reflects our understanding, please sign a copy of this letter in the space provided below and return it to me at City Hall within the next three days.

Sincerely yours,

Daniel L. Doctoroff
Deputy Mayor for Economic
Development and Rebuilding

Accepted and Confirmed:

John Liu
New York City Councilmember
Queens

(212) 772 1081

COMMUNITY BOARD #7 RESOLUTION
FLUSHING MUNICIPAL PARKING LOT #1

December 13, 2004

Whereas, NYC Economic Development Corporation currently has an RFP to sell and develop The Flushing Municipal Parking Lot #1, and

Whereas, NYC will benefit tremendously from the development of this site due to:

- a) an increase in NYC Real Estate Tax revenues generated by this development, and
- b) an increase in NYC Sales Tax revenues generated by additional retail commerce, and
- c) an increase in NYC Income Tax revenues generated by additional construction and permanent employment, and

Whereas, we the people who live and work in Flushing have made this land valuable, and we agree with our NYC Councilman John Liu that the benefit of this value should remain within the community where it was created.

Therefore, be it resolved by Community Board #7 Queens that the proceeds realized from the sale of Flushing Municipal Lot #1 are reinvested in projects and programs specifically designed for Downtown Flushing as recommended jointly by Community Board #7 Queens and all our affected local elected officials.