



IN THE MATTER OF an application submitted by 3500 48th Street Owner LLC and 3500 Property 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 certain large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within two existing buildings, one proposed to be enlarged, on property located at 34-50 48th Street (Block 143, Lots 10 and 21), in an M1-1 District, Borough of Queens, Community District 1.

The applicants, 3500 48th Street Owner LLC and 3500 Property LLC, filed this application for a special permit on May 7, 2019. The proposed action would allow certain large retail establishments in an existing one-story commercial shopping center at 45-10 48th Street in Astoria, Queens Community District 1.

BACKGROUND

The applicants, 3500 48th Street Owner LLC and 3500 Property LLC, seek a special permit (C 190443 ZSQ) to allow large retail establishments in two existing one-story buildings, totaling 134,977 square feet, in a commercial shopping center known as Plaza 48. The project site (Block 143, Lots 10 and 21) is located on the west side of 48th Street, south of Northern Boulevard and northeast of Sunnyside Yard.

The project site is a 315,274-square-foot assemblage of Block 143, Lots 10 and 21 with its only street frontage along 48th Street (464 feet). The site includes three buildings constructed in 1980 and altered in the 1990s. Buildings 1 and 2 contain nearly all the retail space at the shopping center. They are adjoining structures and occupy the southern half of the site. Building 1 is a 72,245-square-foot retail space with a variety store, pet store, clothing store, sporting goods store, and bridal store. Building 2 is a vacant, 54,842-square-foot retail space. Building 3 is a stand-alone, 1,373-square-foot building with a coffee shop located on a portion of the 48th Street frontage. A 386-space accessory surface parking lot is located at the northern half of the site and predates current parking layout standards. The parking is accessible from three curb cuts on 48th Street.

Also, three loading docks are located on the eastern end of Building 1, facing 48th Street, and two loading docks are located on the northwestern corner of Building 2, facing the parking lot.

The project site is in an M1-1 zoning district that was established in 1961. Commercial and light industrial uses are allowed as-of-right in M1 districts, with some limitations, including sizes of certain retail establishments. For such retail uses, the City Planning Commission (CPC) may grant a special permit for larger retail uses pursuant to ZR Section 74-922. In 1999, the CPC granted such a special permit to allow larger retail establishments totaling 72,245 square feet in Building 1 (C 980141 ZSQ); the City Council then modified the special permit to prohibit department stores and variety stores over 10,000 square feet. In 2003, the City Council granted a special permit to allow department stores and variety stores over 10,000 square feet within Building 1 (C 020611 ZSQ). A toy store (allowed as-of-right without a size limit in M1 districts) previously occupied Building 2, but it closed in 2018.

The applicants seek a new special permit for Buildings 1 and 2 to allow certain larger retail establishments in Building 2 and to increase the amount of such uses in Building 1 by 7,890 square feet to replace an existing outdoor sales area on the eastern side of the building. The applicants are also proposing to redesign the accessory parking lot and loading areas to comply with current zoning requirements. The redesigned site plan includes 457 accessory parking spaces, 13 new bicycle parking spaces, 41 new trees, planted medians, and new striping.

The surrounding area includes commercial, light industrial, and community facility uses. Northern Boulevard and 48th Street, with widths at 100 feet and 80 feet respectively, are each considered to be wide streets since they exceed 75 feet. 48th Street is a primary north-south connector street between the neighborhoods of Astoria and Sunnyside Gardens located to the south of the project site. Northern Boulevard, about 290 feet to the north of the project site, is a major east-west commercial thoroughfare that is predominantly developed with automotive sales lots, big-box retail stores, and warehouses. An 8.8-acre automotive sales lot is adjacent to the project site to the west. Directly north of the project site is a four-acre property containing a two-story office and very large single-story warehouse. This building has six loading docks facing 48th Street served by a continuous curb cut. A five-acre property is located on the east side of 48th Street, and it contains

a two-story shopping center. Amtrak and the New York City Department of Transportation own two lots south of the project site used primarily for open storage. A large Korean Presbyterian church is located to the southwest of the project site. Stops for the Q66 and Q104 buses are within one block of the project site.

ENVIRONMENTAL REVIEW

This application (C 190443 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 Department of City Planning, acting on behalf of the City Planning Commission, is the lead agency. The designated CEQR number is 19DCP121Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 20, 2019.

UNIFORM LAND USE REVIEW

This application (C 190443 ZSQ) was certified as complete by the Department of City Planning on May 20, 2019, and duly referred to Queens Community Board 1 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 1 held a public hearing on this application (C 190443 ZSQ) on May 23, 2019, and on that date, by a vote of 29 in favor, two opposed, and one abstention voted to recommend approval of the application with the following conditions:

1. “A DOT study of traffic and pedestrian movements along the Northern Boulevard corridor and its intersecting streets between 47th Street and Broadway and
2. Plaza 48 providing personnel to direct traffic to and from the site during peak hours and peak shopping seasons.”

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 190443 ZSQ) on July 11, 2019, and on July 22, 2019, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On August 14, 2019, (Calendar No. 13), the City Planning Commission scheduled August 28, 2019, for a public hearing on this application (C 190443 ZSQ). The hearing was duly held on August 28, 2019 (Calendar No. 24). One speaker testified in favor of the application and one speaker testified in opposition.

A representative of the applicants provided a summary of the requested action and stated that the applicants signed tentative agreements with a wholesale store and a department store for future tenancy of Buildings 1 and 2.

A Queens resident spoke in opposition, stating that large retail establishments would compete with local small businesses.

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

CONSIDERATION

The City Planning Commission believes that this application (C 190443 ZSQ) for a special permit is appropriate.

Large retail establishments in this established shopping center location will be consistent with existing land uses in the surrounding area. The City has permitted large retail establishments on a portion of the project site since 1999, and the surrounding area includes several others, all of which serve a local and regional population. The action would also activate a building that was previously occupied by a large retail use. The proposed project will complement the existing commercial characters of 48th Street and Northern Boulevard in this portion of Astoria.

This shopping center has its vehicular entrances located on 48th Street, a wide street with access to Northern Boulevard, a major commercial thoroughfare. In this location large retail establishments on the site will not burden local streets with traffic. The configuration of vehicular entrances on 48th Street, as well as the reservoir spaces provided on the site, will help prevent congestion both on the site itself and on adjacent roadways. Further, the site is well-served by two bus lines, with stops in front of the site and on Northern Boulevard. The Commission appreciates that the shopping center's accessory parking lot will be upgraded to now include 13 new bicycle parking spaces, 41 new trees, and planted traffic medians, and new striping.

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 requirements]

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 20, 2019 with respect to this application (CEQR No. 19DCP121Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by 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 3500 48th Street Owner LLC and 3500 Property 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 two existing buildings, one proposed to be enlarged, on property located at 45-10 48th Street (Block 143, Lots 10 and 21), in an M1-1 District, in Astoria, Community District 1, Queens, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 190443 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Gerald J. Caliendo, R.A., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-001.00	Zoning Analysis and Site Legend	05/07/2019
A-002.00	Proposed Site Plan	05/07/2019

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 (C 190443 ZSQ), duly adopted by the City Planning Commission on September 25, 2019 (Calendar No. 29), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

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MICHELLE R. de la UZ, **JOSEPH I. DOUEK**, **HOPE KNIGHT**, **ANNA HAYES LEVIN**,
ORLANDO MARIN, **LARISA ORTIZ**, *Commissioners*

RAJ RAMPERSHAD, *Commissioner, Recused*



**City of New York
Community Board #1, Queens**

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July 1, 2019

Honorable Marisa Lago
Chair
The City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

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RE: **C 190443 ZSQ Plaza 48 Shopping Center**
Application for grant of a CPC Special Permit under Section
74-922 to allow retail establishments with more than 10,000
SF in an M1-1 zoning district on property located at 34-50 48th
Street (Block 143, Lots 10 and 21), CD1Q.

Dear Chair Lago,

On May 23, 2019 Community Board 1 Queens (CB1Q) held its advertised public hearing on the referenced application. Following the hearing and after a report from the Board's Land Use and Zoning Committee, the Board voted to conditionally approve the application by a vote of 29 in favor, 2 opposed, 0 abstentions with 1 not voting for cause. A quorum was present. For the reasons described in this letter, the approval is conditioned on

- A DOT study of traffic and pedestrian movements along the Northern Boulevard corridor and its intersecting streets between 47th Street and Broadway and
- Plaza 48 providing personnel to direct traffic to and from the site during peak hours and peak shopping seasons.

Proposed Action

The subject Special Permit will allow large non-manufacturing uses to occupy space without restriction on size in two buildings within the Plaza 48 shopping center that is zoned M1-1. There is no proposal to increase existing floor area.

Area, Site and Project Description

The seven-acre site is located on the west side of 48th Street midblock between Northern Boulevard and 37th Avenue along the southern edge of CD1Q. The residential neighborhoods of Long Island City and Woodside are north of Northern Boulevard and are predominantly zoned R5 and R6B/C1 and developed with two- and three-story multifamily structures with a few six-story buildings and the NYCHA Woodside Houses development. Steinway Street (C4-2A) is five blocks west. LIRR tracks abut the site to the south separating it from the Woodside and Sunnyside neighborhoods in CD2Q. The Northern Boulevard corridor is zoned M1 and C8 and typically developed with warehouses, trucking facilities, open auto uses and some retail.

The subject site has three buildings built in 1980 that total 136,460 SF (0.43 FAR). Most of the site is used as a self-park lot for 386 cars accessed from two curb cuts on 48th Street. Large retail uses were permitted in Building 1 and Building 2 under CPC Special Permits approved in 1999 and in 2003. Those occupants vacated the site in June and November 2018, leaving three smaller retail tenants in Building 1. Building 3 (1,373 SF) is a detached structure near the 48th Street perimeter of the site, is occupied by a coffee franchise and does not require a Special Permit.

If the Special Permit is approved, two tenants (a wholesale club and a clothing/home goods store) are expected to occupy Building 2 and part of Building 1. The existing parking lot will be upgraded and reconstructed to comply with the latest zoning regulations for commercial parking lots. It will include 11 new double length and 6 single length landscaped islands planted with 28 trees as shown on submitted site plan 'A'. With the recent purchase of an abutting lot behind the existing buildings (Block 143, Lot 21), the total number of parking spaces will increase to 457 and 13 bicycle spaces provided, meeting zoning requirements. Five loading docks will remain at their current locations.

Community Comment

The Board voted to recommend conditional approval of the Special Permit understanding the action would give Plaza 48 flexibility to find a wider range of commercial tenants and avoid vacant buildings. Additionally, the parking lot would be improved with more spaces and landscaping. Although the existing development is significantly underbuilt, the Applicant advised the Board that major modifications to the Special Permit – increasing floor area being considered major – would require community notification.

The Board also considered its condition to have traffic agents provided by Plaza 48 during peak hours and shopping seasons will help minimize queuing and in a small way improve traffic flow on 48th Street as patrons enter and exit the parking lot.

The Applicant appears to meet the findings of Section 74-922 as they relate only to this particular development. Both the Land Use Committee and the Community Board are very concerned about the bigger problem of constant traffic congestion on Northern Boulevard and on 48th Street and believe the causes are twofold:


- Retail uses replaced many traditional, lower traffic-generating M1 and C8 uses over the years and increased pedestrian shopping activity in the area causing more traffic conflicts. (We estimate that other than Plaza 48 there is approximately 539,521 SF of retail space in big box stores and shopping centers that was developed as of right or by discretionary action along the corridor since 1992).
- A second transition in land uses on Northern Boulevard is occurring with rezoning proposals that will facilitate higher density, mixed-use commercial and residential buildings. One rezoning proposal was approved by City Council in May 2019 and another is in public review. Together these proposals will bring an additional 45,000 SF of ground floor retail space and approximately 520 residential units. The Board is aware of several other rezoning proposals in various stages of pre-certification whose details haven't yet been shared.

Consequently, the Board's primary condition for approval is that a DOT traffic and pedestrian movement study be initiated to identify appropriate mitigations that will lessen congestion, improve traffic flow and increase pedestrian safety along the Northern Boulevard corridor and its intersecting streets between Steinway Street and Broadway in CD1.

Sincerely,



Marie Torniali
Chairperson



Elizabeth Erion, Co-Chair
Land Use and Zoning Committee

cc: Bob Piazza, CBIQ, Transportation Committee Chair
Honorable Polly Trottenberg, Commissioner NYC DOT
Honorable Michael Gianaris
Honorable Jessica Ramos
Honorable Aravella Simotas
Honorable Catherine Nolan
Honorable Brian Barnwell
Honorable Costa Constantinides
Honorable Jimmy Van Bramer
Mr. Irving Poy, Director, Land Use, BPQ
Mr. John Young, Director, Queens Office DCP
Mr. Blake Montieth, City Planner and Urban Designer, DCP
NYC – City Planning, Calendar Office
Mr. Vincent L. Petraro, PLLC
Gerald J. Caliendo Architects

Queens Borough President Recommendation

APPLICATION: ULURP #190443 ZSQ

COMMUNITY BOARD: Q01

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Vincent Petraro, PLLC on behalf of 3500 48th Street and 3500 Property LLC pursuant to Sections 197-c and 201 of the NYC Charter for the grant of a Special Permit pursuant to Section 74-922 of the NYC Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within two existing buildings, one proposed to be enlarged, on property located at **34-50 48th Street** (Block 143, Lots 10 & 21), in an M1-1 District, Borough of Queens, Community District 1.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, July 11, 2019 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a 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 retail uses (Use Groups 6 and 10A) over 10,000 sf to occupy vacant space in the applicant's shopping center. The requested Special Permit would cover the entirety of Buildings 1 and 2 in the shopping center;
- The Special Permit is required because the tenants who are interested to lease the available space would need over 10,000 sf of space for their stores. In 1999 and 2013, Special Permits had been granted for previous tenants over 10,000 sf on this site. The tenants for those special permits have since vacated the shopping center. This latest application would supersede the previously granted special permits;
- The applicant's shopping center is located on a 315,274 sf lot in a M1-1 District. The lot is developed with three buildings with a total of 128,480 sf floor area. The larger retail spaces are currently unoccupied. Vehicular access onto the site is from three curb cuts on 48th Street that lead to 386 parking spaces. The number of accessory parking spaces will be increased to 457 spaces as required and will be provided with landscaping and in accordance with the revised requirements for open parking lots. There is a fourth curb cut that leads to two loading spaces;
- The site is located on 48th Street between Northern Boulevard and Barnett Avenue in an M1-1 District. Northern Boulevard is a major east-west thoroughfare that spans Queens from county line to county line. This section of Northern Boulevard is developed with industrial and auto-related uses, and big box retail and other commercial uses. The areas to the north and south are zoned for and developed with low to medium density housing;
- Community Board 1 approved this application with conditions by a vote of twenty-nine (29) in favor with two (2) against and one (1) abstaining for cause at a public hearing held on June 18, 2019. CB 1's conditions of approval were: a DOT study of traffic and pedestrian movements along the Northern Boulevard corridor and intersecting streets between 47th Street and Broadway should be conducted; and, Plaza 48 should provide personnel to help direct traffic to and from the site during peak hours and peak shopping seasons;
- The applicant testified at the Queens Borough President's public hearing that Plaza 48 would assign personnel to direct and assist traffic flow in and out of the site during peak hours and peak shopping seasons. Subsequent to the public hearing, the applicant has forwarded a letter (see attached) they had sent to the NYC Department of Transportation requesting an update on the department's findings and progress related to a study of Northern Boulevard, including this portion of Northern Boulevard, and information about potential improvements to be implemented along that corridor.

RECOMMENDATION

The applicant has agreed to the CB 1 conditions of approval and has committed to follow through.

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



PRESIDENT, BOROUGH OF QUEENS

7/22/19

DATE

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July 16, 2019

Commissioner, Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Re: Plaza 48 Shopping Center
34-50 48th Street
Queens, New York

Dear Commissioner Trottenberg:

I am counsel to 3500 48th Street Owner LLC (aka "Plaza 48 Shopping Center"). On June 18, 2019, Community Board 1 Queens (CB1Q) held a public hearing on an application by the Plaza 48 Shopping Center for a special permit to operate certain types of retail establishments greater than 10,000 square feet. The shopping center is located along the west side of 48th Street between Northern Boulevard and 37th Avenue in Queens.

The Board voted to conditionally approve the application (29 in favor, 2 opposed, and 1 not voting). As part of the Board's conditions, the following was requested:

A Department of Transportation (DOT) study of traffic and pedestrian movements along the Northern Boulevard corridor and its intersecting streets between 47th Street and Broadway.

DOT has identified Northern Boulevard as a Vision Zero Priority Corridor and have implemented traffic safety improvements along the corridor, including at the shopping center access at 48th Street, and have engaged the local communities in several community workshops in October 2018 to identify additional improvements along this corridor. The Applicant, in the interest of being responsive to the Community Board, requests that DOT share an update on the progress of the Northern Boulevard studies, in particular the requested segment between 47th Street and Broadway, and discuss their findings and recommendations with us.

If you would kindly inform me of the DOT's response to this request, I would be happy to share it with Queens Community Board 1.

Thank you,

Very truly yours,



Vincent L. Petraro