

# Queens Borough President Recommendation

APPLICATION: ULURP #N 190203 ZRQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by Herrick Feinstein, LLP on behalf of Kimco Kissena Center LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to Appendix F designating the Project Area as a Mandatory Inclusionary Housing ("MIH") area, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of CEQR Declaration E-514. (Related item #C190202 ZMQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 28, 2019 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were eight (8) speakers and two (2) written testimonies submitted in opposition and ten (10) speakers in favor of the application. The hearing was closed.

## CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting a zoning text amendment to Appendix F designating the project area as a Mandatory Inclusionary Housing Area (MIHA). The application has been filed with a related ULURP item (#C190202 ZMQ) requesting a zoning map amendment to rezone the existing R3-2 and R3-2/C2-2 Districts to R7A and R7A.C2-3 Districts to facilitate development of an 8-story mixed-use building;
- The rezoning area is located on the east side of Kissena Boulevard between a line approximately 320' south of 45<sup>th</sup> Avenue and Laburnum Avenue to a depth of approximately 260' east. The area includes Block 5208 Lots 1, 32, 45 and a portion of Lot 5, Block 5200 Lot 39. Block 5208 Lots 1, 32 and 45 are improved with 1- and 2-story commercial buildings and Lot 5 is developed with a 2-story single-family detached home. Block 5220 Lot 39 is improved with a 7-story residential development, and Lots 49 and 32 are developed with two 2-story residential houses;
- The applicant owns Block 5208 Lot 45, a 68,200 sf rectangular shaped lot with an approximately 275 ft frontage on Kissena Boulevard, that is currently improved with a 22,500 sf one-story commercial building occupied mostly by a supermarket and 4 smaller retail spaces with 90 offstreet open accessory parking spaces in an at-grade lot accessed by two curb cuts onto Kissena Boulevard. The applicant is proposing to redevelop the site with an 8-story mixed-use building;
- This area to be rezoned and Kissena Boulevard to the north of the rezoning area are developed with a mix of commercial uses and some six- to seven-story multifamily residential buildings. The areas on either side of Kissena Boulevard and the areas south of the proposed rezoning area on Kissena Boulevard are predominately developed with low-rise one- and two-family homes. Kissena Boulevard is a major road connecting Downtown Flushing to the Long Island Expressway and beyond. This section of Kissena Boulevard has several one-way side streets that end in T-shaped intersections at the boulevard with short distances between those intersections. The heavy volume of buses, cars and trucks often creates congestion and backups on Kissena Boulevard caused by the narrow width of the street, the timing of traffic control lights, turning vehicles that block traffic in both directions when the turns cannot be completed;
- The applicant has had pre- and post-certification meetings with the Community Board 7 Land Use Committee (LUC) to present their proposed project. The CB 7 Land Use Committee meetings included representatives from the Holly Civic and the Kissena Park Civic Associations. The CB 7 LUC, the civic associations and some residents have expressed the following concerns: the building is too large for the mostly low-density residential and commercial neighborhood; the proposed building without a rear yard would negatively affect the adjacent one- and two-story homes, traffic congestion and other problems on Kissena Boulevard would be exacerbated; the other properties in the area especially the property at Block 5200 Lot 39 which is currently occupied by a one-story restaurant will also be redeveloped under R7A/C2-3 District regulations resulting in substantial increase of density in the area;
- Subsequently, the applicant presented a revised rezoning proposal and development plan, responding to some of the community concerns that had been expressed, at a LUC meeting just prior to the CB 7 monthly meeting and again during the monthly meeting to the full board. The rezoning had been revised from the originally proposed R7A District to an R6A District, and most of an adjoining property developed with a one-story restaurant (Block 5200 Lot 39) was removed from the rezoning area. The applicant stated that they would be working with the Department of City Planning on the presented revision. In accordance with the revised rezoning the proposed development plan would be revised as follows:

- The height of the proposed building would be reduced to a 7-story building from the originally proposed 8-story building. The revised gross floor area would be reduced by over 60,000 sf to 249,444 sf (FAR 3.6) instead of the filed 313,814 sf (FAR 4.57) project. The total number of dwelling units would be reduced to 183 units including 55 affordable units instead of 244 units including 73 affordable units in the filed application;
- Three-hundred-seventy (370) parking spaces would be provided on the cellar and sub-cellar levels, an increase of 58 spaces over the originally filed proposal 312 spaces. The increased number of parking spaces includes all spaces required for the proposed commercial and community facility space. Additionally, there would be one parking space for every residential unit including all affordable units;
- The proposed building would provide an additional 8 feet setback from the rear and side property lines that would be codified in a restrictive declaration filed against property to ensure that the proposed development will be setback from the property line of the neighboring residential homes. The perimeter walls facing the adjoining residential properties would be designed to improve upon the existing impact and nuisance conditions created by the unscreened loading, parking and garbage processing facilities for the supermarket. The loading and garbage facilities for the proposed development will be moved indoors and located on the cellar level. The rear yard over the commercial base will be 45' providing an increased 15' buffer in excess of the required 30-foot rear yard between the residential portion of the building and the neighboring homes;
- The applicant proposed various traffic mitigation measures. The vehicular access points into the proposed development would be a midblock 30-foot vehicular entrance and egress driveway in alignment with Kalmia Avenue. Relocation of the driveway entrance would allow the applicant to work with NYC DOT to move the traffic signal light from the intersection at Juniper Avenue and Kissena Boulevard to the intersection of Kalmia Avenue and Kissena Boulevard; introduce a left turn lane southbound on Kissena Boulevard at Kalmia Avenue into the proposed development while allowing through traffic to proceed without delay; provide a right turn lane into the proposed development northbound on Kissena Boulevard, just north of Laburnum Avenue; providing a crosswalk at the intersection of Kalmia Avenue and Kissena Boulevard; and optimization of the traffic signals along Kissena Boulevard to move traffic through to alleviate and mitigate traffic congestion; approximately thirteen (13) existing street parking spaces would be removed to achieve the above traffic measures;
- The applicant committed to a free voucher commercial parking system for customers patronizing the tenants of the development;
- In response to the CB 7 LUC request to remove community facility space and convert it to residential use instead, to reduce potential vehicular traffic generated by such use, the applicant stated their willingness to make that change to the proposed development;
- o The Department of City Planning had conducted studies of nearby areas that resulted in contextual rezonings (Kissena Park Rezoning – 2005, and the Waldheim Rezoning - 2008). However, the area proposed for rezoning in this application were not part of any prior contextual rezoning studies. The current zoning for the rezoning area has not been changed and has been mapped since 1961;
- o The CB 7 Land Use Committee recommended and made a motion to disapprove this application. CB 7 approved the motion by a vote of thirty-four (34) in favor, none (0) against and three (3) abstaining at a community board meeting held on March 11, 2019. CB 7 noted that the modifications the applicant made were meaningful however, the timing of the presentation of the proposed modifications did give them enough time to fully discuss the changes made with all interested parties. CB 7 disapproved the application for the following reasons: this community has gone to great lengths to preserve the low-density built character of their surrounding neighborhood and they want to keep it exists; people prefer open parking lots over underground parking lots for shopping, therefore, cars circulating the neighborhood looking for open above ground parking will exacerbate existing traffic congestion in the area; all of the mitigation measures should get approved by DOT; and a shadow study for the proposed building showing shadow impacts on the adjoining homes at the rear of the proposed development were not provided as requested.
- o At the Queens Borough President's Land Use Public Hearing, representatives from 32BJ, Queens Chamber of Commerce and some area residents, property and business owners spoke in support of the project. They stated that the project will provide prevailing waged jobs and much needed housing and improve the neighborhood by increasing business for the existing area shops. There speakers against the project represented the Holly Civic Association, Kissena Civic Association and Community Board 7 spoke and two (2) written testimonies were also submitted. These speakers expressed concerns that the proposed rezoning and the resulting development will be too dense and large for the area, existing area traffic congestion would be exacerbated; if upzoned a precedent would be set bringing higher density rezonings further along Kissena Boulevard. The Community Board 7 representative noted that the applicant should ensure that there will be no community facility use in the proposed building. The applicant stated that they are committed to continue the dialogue with the local elected officials and the community board on uses to be allowed in this development.

RECOMMENDATION

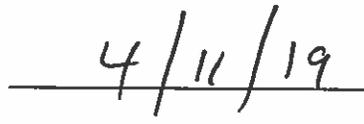
The revised rezoning proposal and development plan demonstrate the applicant's willingness and efforts to work with the community to address concerns and offer mitigations for negative impacts raised during the community meetings. CB 7 expressed appreciation for the applicant's revision to the project. However, they also expressed disappointment that the timing of the presentation of the revisions did not allow them to fully review the proposed changes with the neighboring communities. There are outstanding issues and concerns that need more consideration.

Based on the above considerations, I hereby recommend disapproval of this application unless the following conditions can be met:

- The applicant should continue to work with the Community Board 7, area civic associations and local elected officials to further modify and improve the plans to minimize any negative impacts on the neighborhood and area traffic;
- The applicant should continue to work with DOT to discuss the implementation of the traffic plan proposed to improve the traffic condition along Kissena Boulevard;
- The applicant should create prevailing wage jobs during the construction and operation of the proposed building;
- The revised development proposal in terms of setbacks from side and rear property lines should be codified in a restrictive declaration filed against the property as soon as possible;
- The applicant should also continue the dialogue with the area residents and CB 7 regarding potential community facility uses needed in the surrounding community and explore the feasibility and need for senior affordable housing;
- Height and density of the proposed project, especially as it relates to the low-density areas to the east and south of the project, has been consistently raised as an issue by the community and CB 7. The applicant should continue to look for a way to further redesign the building that would reflect the built character of the surrounding community.



PRESIDENT, BOROUGH OF QUEENS



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