



## CITY PLANNING COMMISSION

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May 17, 2000/Calendar No. 19

C 000224 ZSQ

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**IN THE MATTER OF** an application submitted by the Macerich Property Management Company and the Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to the following Sections of the Zoning Resolution:

- 1) Section 74-743(a)(3) to permit the modification of the requirements of Section 35-25(b)(1) to allow the modification of the required minimum street wall height and street wall location regulations; and
- 2) Section 74-743(a)(4) to permit the variation in the location of signs along frontages adjacent to zoning lots outside the general large-scale development without regard to regulations applicable near residential district boundaries

to facilitate the expansion of a commercial development within a general large-scale development on two adjacent blocks generally bounded by 57<sup>th</sup> Avenue, 94<sup>th</sup> Street, 59<sup>th</sup> Avenue, Queens Boulevard and 90<sup>th</sup> Street (Block 1860, Lots 59, 64 and 100 and Block 1873, Lot 1), in a proposed C4-5X District, Borough of Queens, Community District 4.

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The application for the special permit was filed by the Macerich Property Management Company and the New York City Economic Development Corporation on November 23, 1999, to facilitate the expansion of a commercial development and the development of a public parking complex within a General Large-Scale Development (GLSD) in a proposed C4-5X district in the Elmhurst section of Queens.

### **RELATED ACTIONS**

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 990666 MMQ      Amendment of the city map involving the elimination, discontinuance and closing of two volumes of air space on 92<sup>nd</sup> Street between 57 and 59<sup>th</sup> avenues; the layout of a pedestrian easement; the adjustment of grades necessitated thereby; and any acquisition or disposition of property related thereto;
- C 000221 ZMQ      Zoning map amendment to rezone from C4-2, R6 and C8-1 to C4-5X an area generally bounded by Queens Boulevard, 90<sup>th</sup> Street, 57<sup>th</sup> Avenue, 94<sup>th</sup> Street and 59<sup>th</sup> Avenue;
- C 000222 PPQ      Disposition of one (1) city-owned property, pursuant to zoning;
- C 000223 ZSQ      Special Permits pursuant to Section 74-52 to allow a public parking complex;
- C 000225 ZSQ      Special Permit pursuant to Section 74-746 (General Large-Scale Development) to allow development or enlargement over a street.

**BACKGROUND**

The proposed special permit pursuant to Section 74-743, in conjunction with the related actions (C 990666 MMQ, C 000221 ZMQ, C 000222 PPQ, C 000223 ZSQ and C 000225 ZSQ), would facilitate a proposed expansion of the Queens Center Mall by approximately 569,000 square feet of retail floor area and the development of an unattended public parking complex with a maximum capacity of 2,165 spaces within a GLSD in a proposed C4-5X district in the Elmhurst section of Queens.

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C-000225-ZSQ).

## **ENVIRONMENTAL REVIEW**

This application (C 000224 ZSQ), in conjunction with the applications for the related actions (C 990666 MMQ, C 000221 ZMQ, C 000222 PPQ, C 000223 ZSQ and C 000225 ZSQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. And the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 99DME007Q. The lead agency is the Office of the Deputy Mayor for Economic Development, Planning and Administration.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 000225 ZSQ).

## **UNIFORM LAND USE REVIEW**

This application (C 000224 ZSQ), in conjunction with the applications for the related actions (C 990666 MMQ, C 000221 ZMQ, C 000222 PPQ, C 000223 ZSQ and C 000225 ZSQ), was certified as complete by the Department of City Planning on January 10, 2000, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 4 held a public hearing on this application on February 15, 2000, and on March 6, 2000, by a vote of 14 to 4 with 2 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on April 6, 2000 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 000225 ZSQ).

### **City Planning Commission Public Hearing**

On April 5, 2000 (Calendar No. 5), the City Planning Commission scheduled April 18, 2000, for a public hearing on this application (C 000224 ZSQ). The hearing was duly held on April 18, 2000 (Calendar No. 14), in conjunction with the public hearings on the applications for the related actions (C 990666 MMQ, C 000221 ZMQ, C 000222 PPQ, C 000223 ZSQ and C 000225 ZSQ) and the Draft Environmental Impact Statement (DEIS).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 000225 ZSQ), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit pursuant to Section 74-743 is appropriate.

This action, in conjunction with the related actions (C 990666 MMQ, C 000221 ZMQ, C 000222 PPQ, C 000223 ZSQ and C 000225 ZSQ), would facilitate a proposed expansion of the Queens Center Mall by approximately 569,000 square feet of retail floor area and the development of an unattended public parking complex with a maximum capacity of 2,165 spaces within a GLSD in a proposed C4-5 X district in the Elmhurst section of Queens.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the grant of a special permit (C 000225 ZSQ).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-743 (Special Provisions for Bulk Modification) of the Zoning Resolution:

- (1) the distribution of floor area, open space, dwelling units, rooming units, and the location of buildings, primary business entrances, show windows and signs will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines that would be possible without such distribution and will thus benefit both the occupants of the general large-scale development, the neighborhood, and the City as a whole;
- (2) the distribution of floor area and location of buildings will not

unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;

- (3) Not applicable;
- (4) considering the size of the proposed general large-scale development the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
- 5) Not applicable;
- 6) a declaration with regard to ownership requirement in paragraph (b) of the general large-scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 5, 2000 with respect to this application (CEQR No. 99DME007Q), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. 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 revealed in the FEIS 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 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Macerich Property Management Company and the Economic Development Corporation for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- 1) Section 74-743(a)(3) to permit the modification of the requirements of Section 35-25 (b)(1) to allow the modification of the required minimum street wall height and street wall location regulations; and
- 2) Section 74-743(a)(4) to permit the variation in the location of signs along frontages adjacent to zoning lots outside the general large-scale development without regard to regulations applicable near residential district boundaries

to facilitate the expansion of a commercial development within a general large-scale development on two adjacent blocks generally bounded by 57<sup>th</sup> Avenue, 94<sup>th</sup> Street, 59<sup>th</sup> Avenue, Queens Boulevard and 90<sup>th</sup> Street (Block 1860, Lots 59, 64 and 100 and Block 1873, Lot 1) in a proposed C4-5X district, Borough of Queens, Community District 4, is approved, pursuant to Section 74-743 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 000224 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 Gilligan & Bubnowski Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1.1	Area Plan	5/9/00
Z-1.2	Zoning Map	9/9/99
Z-2.1	Site Plan	5/9/00
Z-2.2	Zoning Analysis	5/9/00
Z-3.1	Site Survey	5/12/99
Z-3.2	Site Survey	5/12/99
Z-4	Average Curb Level and Base Plane	9/9/99
Z-5	Site/Landscape Plan	5/9/00
Z-6.1	Height and Setback Sections	5/9/00
Z-6.2	Height and Setback Sections	9/9/99
Z-6.3	Cross Sections	9/9/99
Z-7.1	Parking Garages	11/11/99
Z-7.2	Parking Garages	9/9/99
Z-8.1	<del>Interim Parking Heights</del> And Setback Sections	5/9/00
Z-8.2	Interim Parking Garages	11/11/99

Z-8.3	Interim Parking Garages	9/9/99
Z-9	Signage Elevations	5/9/00
Z-10.1	Queens Boulevard Elevation	5/9/00
Z-10.2	59 <sup>th</sup> Avenue Elevation	5/9/00
Z-10.3	57 <sup>th</sup> Avenue Garage Elevation	5/9/00

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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 99DME007Q) issued on May 5, 2000, (and identified as practicable), as follows:

**Traffic and Transit**

~~All of the project impacts could be mitigated through a traffic improvement plan in conjunction with standard mitigation measures, such as signal timing adjustments. The traffic improvement plan would consist of creating a one-way pair operation along 59th Avenue and 57th Avenue between Queens and Junction Boulevards, physical~~

improvements to Queens Boulevard near the mall to increase operational efficiency and to accommodate the one-way pairing of 57th and 59th Avenues. An exception will occur on 57th Avenue between 90th and 92nd Streets where two way travel will continue to be permitted to provide access from Queens Boulevard to the existing garage entrance and truck loading area. In addition, it is recommended that a traffic signal be installed at the intersection of the new mall garage exit and 57th Avenue and that trucks exiting the new loading area on 92nd Street be restricted to right-turn only movements. With the traffic plan in place, the proposed mitigation is consistent with the recommendations of the Queens Boulevard Working Group formed by the Queens Borough President in conjunction with EDC and DCP to examine traffic issues in the surrounding area.

With the proposed mitigation in place all impacts identified for the project would be eliminated as follows:

### *Signalized Intersections*

- **57th Avenue and Queens Boulevard** - By creating the one-way pair and performing the Queens Boulevard physical improvements, operations at this intersection would be greatly simplified. With left turns from the southeast Queens Boulevard mainline prohibited at this intersection, the signal timing can be adjusted to allow sufficient green time for the through and turning movements on each approach and to match the new travel patterns in this area. With these mitigation improvements in place, delay on the 57th Avenue and Queens Boulevard approaches would be reduced to below future No-Build conditions.
- **57th Avenue and 90th Street** - The creation of the one-way pair eliminates the eastbound approach to this intersection and allows for additional green time to be transferred to the westbound signal phase. Delays on the 57th Avenue westbound approach would be reduced with the mitigation plan to below No Build conditions.
- **57th Avenue and Mall Garage Driveway** - Project-generated impacts were calculated for the Saturday midday time period on the 57th Avenue east- and westbound approaches. The delays for the 57th Avenue westbound through movement would be reduced, as would the delay for the eastbound approach.
- **57th Avenue and 92nd Street** - The one-way pair essentially limits eastbound travel on 57th Avenue to delivery trucks using the mall's loading dock. Green ~~time can therefore be transferred to the affected north- and~~ westbound movements. Delays for the 57th Avenue westbound approach would be reduced during all peak periods. The delay for the 92nd Street northbound left-turn movement would be reduced during the weekday evening time period.

- **59th Avenue and 92nd Street** - the creation of the one-way pair eliminates westbound vehicles from this intersection. The 59th Avenue eastbound approach roadway would be restriped to allow for exclusive right- and left-turn lanes, and additional green time would be provided for the eastbound through and turning movements. Delay for vehicles on the 59th Avenue eastbound approach would be reduced during all peak periods.
- **Woodhaven Boulevard and Queens Boulevard** - Signal phasing changes during the weekday afternoon, weekday evening and Saturday midday time periods would provide more green time for the Queens Boulevard southeast and Woodhaven Boulevard north-bound traffic; delay on the Woodhaven Boulevard northbound approach would be reduced during the weekday evening and Saturday afternoon peak hour periods.
- **Queens Boulevard (Main Road) and 63rd Drive** - Signal phasing changes during the weekday afternoon and evening, and Saturday midday periods would provide more green time for vehicles traveling northwest on the main road. As a result, delays for the Queens Boulevard (main road) eastbound through movement would be reduced during the weekday midday period, and delays on the westbound approach would be reduced during the weekday evening and during the Saturday midday periods.
- **Queens Boulevard (Main Road) and 63rd Avenue** - Signal timing changes during the weekday midday period would mitigate this impact. Delays for the Queens Boulevard 9 main road) eastbound approach would be reduced during the weekday midday period.
- **Junction Boulevard and 57th Avenue** - Under one-way pair operations, all eastbound traffic would be removed from this intersection and shifted to 59th Avenue. The green time currently used for the eastbound approach would be shifted to the Junction Boulevard southbound signal phases, so that the through and turning movements can be adequately processed. Delays on the Junction Boulevard southbound approach would be reduced during all peak periods.
- **92nd Street and LIE Ramp** - Signal-phasing changes would shift green time from the 92nd Street north- and southbound approaches to the westbound approach. Delay on the westbound LIE approach would be reduced during the weekday midday and during the Saturday afternoon peak hour periods.

It should also be noted that the changes to the street network that will be implemented in connection with the Loew's Elmhurst Multiplex Theater, will improve the traffic network affected by the Queens Center Mall Expansion project and is assumed in the Queens

Center Mall Expansion's traffic analysis and mitigation. The NYC Economic Development Corporation (EDC) will ensure, working with the NYC Department of Transportation (DOT) and through EDC's disposition agreements with the Mattone Group, Ltd. for the multiplex and the Macerich Company for Queens Center, that all traffic mitigation associated with these projects, or other reasonable modifications acceptable to interested agencies at the time of implementation, are provided concurrently with the completion of the expansion.

### *Unsignalized Intersections*

Limiting exiting truck movements from the new loading area on 92nd Street to right-turn only would reduce delays experienced by exiting traffic at this location. Installation of a traffic signal at the 57th Avenue exit from the new garage would reduce the delay experienced by the mall-exiting traffic at this location.

### *Pedestrians*

Project-related pedestrian impacts were identified at the Queens Boulevard northwest service road/59th Avenue intersection.

As part of the proposed one-way pair and mitigation plan improvements, the signal timing on Queens Boulevard would be increased, fully mitigating the impact at the crosswalk at this crossing. In addition, the corners of Queens Boulevard would be widened to safely accommodate arriving and departing pedestrians. The widening of the intersection corners would be performed in conjunction with the vehicular channelization improvements necessary to make 59th Avenue operate as a one-way roadway, and would mitigate the expected impact at the corner by increasing levels of service to No Build conditions.

### *Transit*

While the mall expansion itself does not significantly impact transit operations, the proposed traffic mitigation involving the creation of a one-way pair on 57th and 59th Avenues requires the Q88, Q38 and Q29 bus routes to be adjusted to match the new travel patterns in this area. Discussions with the New York City Transit Authority and the Triboro Coach Company will be held to establish revised bus service routes and bus stop locations.

## Air Quality

The table below illustrates the effect that the proposed traffic mitigation measures identified above would have on the maximum predicted CO concentrations with the proposed project. As with the proposed project, Site 3, with the mitigation measures identified above, would exceed the City's de minimis criteria and would therefore constitute a significant adverse impact. If no further mitigation measures were effective, there would be the potential for unmitigated air quality impacts at Site 3. The maximum predicted 8-hour CO concentrations for all the sites with the proposed mitigation measures would be below the applicable national ambient air quality standards (NAAQS).

**Table 1**

*Future (2001) Maximum Predicted 8-Hour Average Carbon Monoxide No Build, Build Concentrations, and Build with Mitigation in the Study Area (parts per million)*

Receptor Site	Location	Time Period	No Build	Build	Build with Mitigation
1	Queens Boulevard And 57 <sup>th</sup> Avenue	PM	6.4	6.4	6.7
2	Queens and Woodhaven Boulevards	PM	6.8	6.8	6.6
3	57 <sup>th</sup> Avenue and 92 <sup>nd</sup> St.	Saturday	4.8	7.7*	7.6*
4	59 <sup>th</sup> Avenue and 92 <sup>nd</sup> St.	Saturday	5.0	5.4	5.4

**Notes:** 8-hour standard is 9 ppm; \* De minimus impact

5. 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.

6. 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.
  
7. 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 000224 ZSQ), duly adopted by the City Planning Commission on May 17, 2000 (Calendar No.19), 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.

**JOSEPH B. ROSE**, Chairman  
**VICTOR G. ALICEA**, Vice-Chairman  
**ALBERT ABNEY, AMANDA M. BURDEN, A.I.C.P., IRWIN G. CANTOR, P.E.,**  
**ANGELA R. CAVALUZZI, R.A., KATHY HIRATA CHIN, ESQ.,**  
**ALEXANDER GARVIN, ANTHONY I. GIACOBBE, ESQ., WILLIAM J. GRINKER,**  
**EDWARD T. ROGOWSKY, JACOB B. WARD, ESQ.,** Commissioners