



CITY PLANNING COMMISSION

June 18, 2003 / Calendar No. 25

C 030182 ZSQ

IN THE MATTER OF an application submitted by BCC II, 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 a large retail establishment (UG 6 and 10A) with no limitation on floor area in a proposed one-story building with a mezzanine on property located at 72-15 25th Avenue (Block 1027, tentative lots 4, 25 and 50), in an M1-1 District, Borough of Queens, Community District 3.

The application for the grant of a special permit pursuant to Zoning Resolution ("ZR") Section 74-922 was filed by BCC II, LLC, on October 25, 2002, to allow a Use Group ("UG") 6 or 10A large retail establishment with no limitation of floor area on a site located within an M1-1 District in Community District 3, Queens.

BACKGROUND

The BCC II, LLC is requesting a special permit to allow construction of a single-story retail structure that will have approximately 31,000 square feet of floor area. The applicant's site is part of a larger zoning lot which includes the adjacent Expo Design Center (Expo), a 101,000 square-foot, single-story UG 6, interior design store, and the Bulova Corporate Center (BCC), a four-story, 453,000 square-foot office building. Both the Expo and BCC buildings have separate, at grade parking lots that provide required and permitted accessory parking. The total area of the zoning lot, which includes the site for the subject special permit, is 1,034,530 square feet and is located within an M1-1 District. The zoning lot is bounded by the Grand Central Parkway, the Brooklyn-Queens Expressway (BQE) and its service road - Boody Street, Astoria Boulevard and 25th Avenue.

To the east and south of the zoning lot are attached, two-story, single family residences. A small playground separates the zoning lot from the residentially developed properties on the block. These lots and the surrounding blocks are zoned R4 and are predominately developed with attached, single- and two-family residences. A school for the hearing impaired (Lexington School) is located on the south side of 25th Avenue, opposite the existing BCC parking area. The entrance to this school is located on 75th Street where an off-street school bus queuing area is provided. A single entry to the school from 25th Avenue, is opposite the BCC parking area. An open playing field, in the rear of the school that faces the site for the special permit is surrounded by a 10 foot tall chain-link fence. There is no pedestrian access to this recreational area from 25th Avenue.

Local bus service at the southeastern and northern edges of the site on 25th Avenue and Astoria Boulevard provides connections to subway stations located on Ditmars Boulevard and Roosevelt Avenue, west and south of the zoning lot respectively.

A special permit is required pursuant to Section 74-922 of the Zoning Resolution to permit the construction of large retail establishments with no limitation on floor area in an M1 District providing the Commission makes certain findings. The proposed single-story retail building will have approximately 31,000 square feet of floor area. It is currently planned as a UG 10A store and will be constructed adjacent to the existing Expo building. The existing Expo Design Center is a UG 6 interior decorating establishment with approximately 101,000 square feet of floor area. Parking for this building is provided by an off-street lot that has vehicular access from both

Boody Street and 25th Avenue. Twenty additional parking spaces are provided adjacent to the Expo truck dock area located north of the Expo building with access from Boody Street.

The public entrance of the proposed retail building will face the existing Expo parking area. This new facade will be similar in treatment to the Expo building. The south elevation, facing 25th Avenue and the existing residences in the R4 District to the south, will be composed of precast-concrete panels and will have emergency access doors and an overhead garage door enclosing a two-bay loading berth. A landscape treatment to screen this facade will be comprised of a row of tall coniferous trees planted in a low, continuous brick planter. Additionally, new trees will be added to the public sidewalk.

A total of 103 parking spaces are required and will be provided in two lots which have access from Boody Street and 25th Avenue. There are a total of 384 off-street parking spaces provided by Expo's surface parking areas. This number exceeds the parking requirement by 47 spaces. To provide the required parking, the proposed retail building will use the 47 extra spaces in the Expo parking lot and 56 parking spaces in the adjacent BCC off-street parking lot. This lot is located just east of the site of the Expo building and the proposed retail structure, and it provides 1,100 parking spaces, of which only 261 spaces are required. The 56 spaces provided in this lot will be located closest to the proposed retail building and will have access from 25th Avenue through an existing entrance/exit. Mass transit from subway lines south and west of the site with stations on Roosevelt Avenue and Ditmars Boulevard is provided by several city bus lines on 25th Avenue and Astoria Boulevard.

ENVIRONMENTAL REVIEW

This application (C 030182 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 and Procedures of 1991 and Executive Order No.91 of 1977. The designated CEQR number is 03DCP022Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on February 3, 2003.

UNIFORM LAND USE REVIEW

This application (C 030182 ZSQ) was certified as complete by the Department of City Planning on February 3, 2003, and was duly referred to Community Board 3 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on March 20, 2003, and on that date, by a vote of 35 in favor to 0 against and 0 abstaining, adopted a recommendation to approve the application with the following conditions:

- The new building facade along 25th Avenue has visual contextual compatibility with the residential scale of the neighborhood;
- Creative landscaping be planted along the 25th Avenue facade;
- Hire local residents to work during the construction phase;

- Notify the Community Board about employment opportunities.

Borough President Recommendation

This application (C 030182 ZSQ) was considered by the Borough President, who issued a recommendation to approve the application on April 16, 2003, with the following conditions:

- The construction of the building will require construction and accessory workers. The applicant should make every effort to hire qualified local residents during the building's construction.
- The applicant has stated that approximately 78 employees will work at the new Bed Bath & Beyond. The applicant should notify Community Board 3 about employment opportunities at the new retail store;
- The proposed building would front 25th Avenue across from a residential neighborhood. All planting and landscaping along 25th Avenue should be appropriate to the residential character of the neighborhood. The planting and landscaping should be well maintained and replaced as required at all times of the year.

City Planning Commission Public Hearing

On May 7, 2003, (Calender No. 6), the City Planning Commission scheduled May 21, 2003 for a public hearing. The hearing was duly held on May 21, 2003 (Calendar No 7). There was one speaker who spoke in favor of the application and none in opposition. The speaker, a representative of the applicant, described the design of the proposed building's facade to suggest the architecture of the adjacent BCC building. Responding to the community board's recommendation for enhanced landscaping along 25th Avenue where the building faces a residential neighborhood, the speaker noted the number of large evergreens will be increased.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

This special permit, which allows the development of certain retail establishments without limitation as to floor area, is granted pursuant to Section 74-922 of the Zoning Resolution. This special permit will facilitate the construction of a one-story, Use Group 10A retail building with approximately 31,000 square feet of floor area adjacent to the existing Expo building at the Bulova Corporate Center, which is located in an M1-1 District.

The Commission believes that the proposed retail building is located to draw a minimum number of vehicular traffic to and through local streets. The Commission observes that the Bulova site is located at the junction of three major thoroughfares: the Grand Central Parkway, the Brooklyn-Queens Expressway and Astoria Boulevard. Boody Street, the service road for the BQE, already provides access to two existing entrances for the Expo parking lot that will be used by customers for the proposed retail building. 25th Avenue, which is accessible from Astoria Boulevard and the Ditmars Boulevard exit from the Grand Central Parkway, provides access to the existing Expo parking lot and the BCC accessory parking lot both of which will also be used by the customers of the proposed retail building.

Vehicular access will be from 25th Avenue to the south and Boody Street, the service road for the Brooklyn-Queens Expressway (BQE) to the west. These streets are greater than 75 feet in width. The Commission believes that the two entrances / exits on Boody Street and the entrance / exit on 25th Avenue are sufficient in number and have adequate reservoir space to prevent congestion.

The Commission observes that these three vehicular entrances / exits are separated by more than 100 feet from each other, with the two Boody Street entrances / exits located approximately 300 feet apart.

The Commission notes that the site is served by public transit facilities. Bus service is provided along 25th Avenue and Astoria Boulevard. These bus lines connect to subway stations at Roosevelt Avenue to the south and Ditmars Boulevard to the west.

The Commission also notes that the proposed retail building will be constructed adjacent to the existing Expo Design Center on a very large zoning lot that is located at the juncture of arterial highways, their service roads and principal thoroughfares. Its primary facade and parking lot will face the BQE, and these will be screened from residential uses south of the site by existing trees and additional landscaping that will be provided along the site's 25th Avenue frontage. The Commission also notes that the existing residences south of the site do not have front yards facing 25th Avenue. The proposed retail signage is restricted to the regulations for commercial signs in C1 districts since the site is in a manufacturing district within 100 feet of the adjacent residentially zoned area.

The Commission notes that the proposed retail building will fill in the last remaining vacant parcel on the Bulova Corporate Center campus. The Commission believes that the proposed development will complement the adjoining Expo Design Center and serve the needs as well as increase the shopping choices for the surrounding community. The Commission believes that the

proposed retail building will have sufficient landscape screening allowing it to be buffered from residential development to the south. In response to the Commission, concerns raised by Community Board 3, and the Borough President, the applicant has revised the landscaping plans to ensure that the proposed development will not adversely affect the character of the neighborhood by increasing the initial height, and number of coniferous trees to be planted along the 25th Avenue building facade.

In response to the recommendations of Community Board 3 and the Borough President that the applicant make efforts to hire qualified local residents during the building's construction and subsequently notify the community board about employment opportunities at the new store, the Commission notes that these requirements are beyond its purview.

Based upon this consideration and the findings pursuant to Section 74-922 of the Zoning Resolution, the City Planning Commission believes that the grant of this special permit is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 (Certain Large Retail Establishments in Manufacturing Districts) 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 amount 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 future use 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;

Findings (h) and (i) are not applicable.

RESOLUTION

RESOLVED, 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration in this report, the application by the BCC II, LLC, for the grant of a special permit, pursuant to Section 74-922 of the Zoning Resolution for a large retail establishment (UG 6 and 10A) with no limitation on floor area in a proposed one-story building with a mezzanine on property located at 72-15 25th Avenue (Block 1027, tentative lots 4, 25 and 50), in an M1-1 Zoning District, Borough of Queens, Community District 3 is approved, pursuant to Section 74-922 of the Zoning

Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 030182 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 Greenberg Farrow, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z.1	Site Plan	05/22/03
Z.4	Retail Building Plan	05/22/03
Z.6	Landscape Plan	05/12/03

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 030182 ZSQ), duly adopted by the City Planning Commission on June 18, 2003, Calendar No. 25 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, AICP, Chair
KENNETH J. KNUCKLES, Esq. Vice Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA CAVALUZZI, R.A.
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS
Commissioners

Recommendations

Community/Borough Board

City Planning Commission
22 Reade Street, New York, 10002

APPLICATION # CPC - 030182ZSQ - 72-15 25th Avenue

DOCKET DESCRIPTION- an application for a special permit by Bulova Corporation for the establishment of a large retail store with no limitation on floor area in a M-1 District.

COMMUNITY BOARD NO. 3

BOROUGH Queens

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 3/20/03 LOCATION I. S.27 _____

WAS 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

DATE 3/20/03 LOCATION I. S. 227

RECOMMENDATION

☐ APPROVE ☒ APPROVE WITH MODIFICATIONS/ CONDITIONS

☐ DISAPPROVE ☐ DISAPPROVE WITH MODIFICATIONS/ CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/ CONDITIONS (ATTACH ADDITIONAL SHEETS IF NECESSARY)

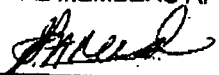
C.B. #3 recommends that the proposal be approved with the following conditional provisions:

- The new building facade along 25th Avenue has visual contextual compatibility with the residential scale of the neighborhood;
- Creative landscaping be planted along the 25th Avenue facade;
- Hire local residents to work during the construction phase
- Notify the Community Board about employment opportunities

VOTING

IN FAVOR 35 AGAINST _____ ABSTAINING _____

TOTAL MEMBERS APPOINTED TO BOARD 47


COMMUNITY/BOROUGH BOARD OFFICER

DISTRICT MANAGER
Title

3/20/03

Date

Queens Borough President Recommendation

APPLICATION: ULURP #030182 ZSQ

COMMUNITY BOARD: Q03

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Wachtel & Masyr, LLP on behalf of Blumenfeld Development Group, Ltd., pursuant to Section 74-922 of the NYC Zoning Resolution, for a special permit to allow a retail establishment with no limitation on floor area in a proposed one-story building in an M1-1 district located at 72-15 25th Avenue, Block 1027, Lots 4, 25 & 50, Zoning Map 9c, Jackson Heights, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, April 10, 2003 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 two (2) speakers in favor of the application and none (0) against. 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:

- o The applicant has filed for a special permit to allow a large retail establishment (Use Group 10) in a proposed as-of-right one-story building located in an M1-1 district;
- o The applicant is proposing to construct a new 30,906 sf one-story building with mezzanine for use as a large retail store, to be leased to Bed Bath & Beyond. The new building will be adjacent and connected to the 100,944 sf Expo Design Center, which is directly west of the Bulova Corporate Center (BCC). The retail store would employ approximately 78 employees;
- o Parking for the proposed building will be provided in the 384 space adjacent surface parking lot, which includes 20 spaces at the rear of the Expo Design Center for customer pick-up and loading. An additional 1,100 spaces are available in the parking lot for the BCC, of which only 261 spaces are required for the BCC. A new 27' wide curb cut onto 25th Avenue will be constructed for two loading births for the new building;
- o The site is located in Jackson Heights on a portion of a block bounded by the Brooklyn-Queens Expressway (BQE) and its service road (aka Boody Street) to the west, Astoria Boulevard and the Grand Central Parkway to the north, 77th Street to the east, and 25th Avenue to the south. The proposed building will front onto 25th Avenue;
- o The eastern portion of the block is developed with the Bulova Corporate Center office complex, Moser Park, and attached residential homes. The western portion of the block is developed with the Expo Design Center, surface parking and the vacant project area. St. Michael's Cemetery is located directly west of the BQE. The Lexington School for the Deaf is located directly south of the proposed building. The surrounding neighborhood south of 25th Avenue is primarily developed with attached residential homes;
- o Community Board 8 approved this application with conditions by a vote of thirty-five (35) in favor with none (0) against and none (0) abstaining at a public hearing held on March 20, 2003. CB 3's conditions were: the new building facade along 25th Avenue should have visual contextual compatibility with the residential scale of the neighborhood; creative landscaping should be planted along the 25th Avenue facade; the applicant hire local residents to work during the construction phase; and the applicant notify the Community Board about employment opportunities;
- o The applicant testified at the Borough President's Land Use Public Hearing that they will notify the Community Board about employment opportunities at the proposed building and hire local residents during the construction phase. The applicant also agreed to continue to work with the community and plant attractive landscaping along the 25th Avenue facade of the building.

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QUEENS BOROUGH PRESIDENT RECOMMENDATION

APPLICATION: ULURP #030182 ZSQ

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RECOMMENDATION

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

- The construction of the building will require construction and related accessory workers. The applicant should make every effort to hire qualified local residents during the building's construction;
- The applicant has stated that approximately 78 employees will work at the new Bed Bath & Beyond. The applicant should notify Community Board 3 about employment opportunities at the new retail store;
- The proposed building would front 25th Avenue across from a residential neighborhood. All plantings and landscaping along 25th Avenue should be appropriate to the residential character of the neighborhood. The plantings and landscaping should be well maintained and replaced as required at all times of the year.


PRESIDENT, BOROUGH OF QUEENS


DATE