

**156-03-BZ**

APPLICANT – Goldman Harris LLC., for Flushing Square, LLC., lessee.

SUBJECT – Application March 10, 2015 – Extension of Time to Complete Construction of a previously granted Variance (72-21) for the construction of a seventeen story mixed-use commercial/community facility/residential condominium building which expires on January 31, 2016; Amendment. R6/C2-2 zoning district.

PREMISES AFFECTED – 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 04958, Lot(s) 48, 38, Borough of Queens.

**COMMUNITY BOARD #7Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....3

Negative:.....0

Abstain: Commissioner Chanda.....1

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening, amendment, and extension of time to complete construction pursuant to a previously granted variance to permit, within an R6 (C2-2) zoning district, the construction of a 16-story mixed-use commercial/community facility/residential building, which expires on January 31, 2016; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, with continued hearings on August 25, 2015, and September 18, 2015, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, Councilmember Peter Koo, councilmember for the 20<sup>th</sup> District, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Northern Boulevard, between Prince Street and Farrington Street, within an R6 (C2-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since December 13, 2005 when, under BSA Cal. No. 156-03-BZ, the Board granted a variance to permit the development of a 200-unit, 17-story mixed-use commercial/community facility/residential building, with ground level retail, second floor community facility space, and 229 accessory parking spaces in a three-level below-grade parking garage; and

WHEREAS, on May 29, 2007, the Board issued a letter of substantial compliance permitting the

following changes to the proposal: (1) the elimination of one floor, reducing the building to 16 stories with an average floor to ceiling height of 10'-2" instead of 9'-4"; (2) the expansion of the footprint of floors seven through 16 to redistribute the floor area from the floor that has been eliminated; (3) the modification of the size of certain units; and (4) the redesign of the inner courts; and

WHEREAS, on January 12, 2010, the Board granted an extension of time to complete construction for a term of two years, to expire on January 12, 2012; and

WHEREAS, on July 12, 2011, the Board granted an amendment to permit the following modifications to the previously-approved plans: (1) an increase in the number of dwelling units from 200 to 357; (2) a reduction in the average unit size from 1,437 sq. ft. to 787 sq. ft.; (3) an increase in the number of accessory parking spaces from 229 to 385; (4) a 6,503 sq. ft. reduction in the residential floor area (from 287,313 sq. ft. to 280,810 sq. ft.) and a corresponding 6,503 sq. ft. increase in the commercial floor area (from 10,957 sq. ft. to 17,460 sq. ft.) through the addition of a retail mezzanine between the first and second floors; (5) the relocation of the community facility space from the second floor to the third floor; (6) a reduction in the depth of the rear yard from 31'-5" to 30'-0"; and (7) a reduction in the initial setback distance from 20'-0" to 15'-0"; and

WHEREAS, on January 31, 2012, the Board granted a second extension of time to complete construction for a term of four years, to expire on January 31, 2016; and

WHEREAS, on May 29, 2015, the applicant filed, as a companion to the subject application, an application under BSA Cal. No. 127-15-BZ to permit, within an R6 (C2-2) zoning district, the proposed construction of a 16-story mixed-use commercial/community facility/residential building which exceeds the maximum height limits around airports, contrary to ZR §§ 61-21 and 61-22 the time to complete construction thereunder; and

WHEREAS, the applicant's May 29, 2015 application under BSA Cal. No. 127-15-BZ is granted by separate decision, dated October 27, 2015; and

WHEREAS, the applicant states that due to funding delays, additional time is necessary to complete the project; thus, the applicant now requests a four year extension of time to enable the owner to secure financing and complete construction; and

WHEREAS, the applicant submitted a letter from the Landmarks Preservation Commission ("LPC") dated September 25, 2014, stating that the Certificate of Appropriateness issued for the building has been extended to December 31, 2017, and that the amended Certificate of Appropriateness reflects the changes to the project sought herein; and

WHEREAS, the applicant notes that, in

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coordination with the LPC, it has undertaken temporary measures to preserve the interior landmark theatre at the site, but that full preservation and restoration of the premises requires completion of the new building, hence, the applicant has expeditiously filed for construction permits from DOB; and

WHEREAS, the applicant now proposes the following modifications to the previously approved plans: (1) an increase in the height of the proposed building by 11'-7" measured to the roof and 14'-3" measured to the top of the bulkhead, from 194.75 feet to 209 feet (AMSL, NAVD); (2) a reduction in the number of dwelling units in the proposed building from 357 to 269 (88 fewer units); (3) a change from rental to condominium ownership of such dwelling units; and (4) redesign of the entry façade on Northern Boulevard; and

WHEREAS, the applicant represents that the proposed increase in the height of the building results from the following modifications to the building: (1) elevation of the building above the landmark lobby to accommodate an increase in the floor-to-floor height of the parking level and the raising of the parking floor slab in order to remain above the water table and avoid undermining the foundations of the landmark lobby and adjacent buildings; (2) an increase in the floor-to-floor height of the community facility space to accommodate mechanical equipment; (3) an increase in the residential floor-to-floor height to accommodate mechanical equipment; (4) an increase in the uppermost residential floor-to-floor height to accommodate a thickened slab for the proposed building's mechanical penthouse; (5) an allowance of space to accommodate roofing, insulation and a ballast at the main roof; and (6) an elevation of the penthouse floor to accommodate mechanical equipment; and

WHEREAS, the applicant notes that the entry façade of the northern Boulevard has been redesigned to increase transparency and light; and

WHEREAS, the applicant states that rate of return for the proposed amended project is consistent with that which was contemplated in the previous grant; and

WHEREAS, at hearing, the Board directed the applicant to clarify, *inter alia*, representations made regarding the estimated sellout period for the proposed units and various adjustments made to comparables, as well as clarification as to how value from the proposed height increase impacted the applicant's financial analysis; and

**A true copy of resolution adopted by the Board of Standards and Appeals, October 27, 2015.**

**Printed in Bulletin No. 44, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

WHEREAS, the applicant submitted a clarifying response, which the Board reviewed and accepted; and

WHEREAS, the applicant provided an updated environmental analysis to show that the proposed changes do not alter the conclusions of the negative declaration issued by the Board in its previous approvals; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the evidence, the Board finds that the requested amendment does not alter the Board's findings made for the original variance; and

WHEREAS, accordingly, the Board finds that the proposed variance, as amended, continues to reflect the minimum variance and the Board has determined that it is appropriate, with certain conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 13, 2005, so that as amended this portion of the resolution shall read "to grant an extension of time to complete construction for a term of four years, to expire on October 27, 2019," and shall also read "to permit the noted modifications to the approved plans; *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received September 2, 2015"- (17) sheets; and *on further condition*:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 401622669)

Adopted by the Board of Standards and Appeals, October 27, 2015.

