

CITY PLANNING COMMISSION

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April 25, 2001 / Calendar No. 29

M 820995 (B) ZMQ

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**IN THE MATTER OF** an application submitted by La Guardia Associates, L.P., for the second modification of Restrictive Declaration D-89 which was previously approved as part of an application for a Zoning Map Amendment (C 820995 ZMQ) and was subsequently modified (M 820995 ZMQ) in connection with development of a hotel and public parking garage on property located at 104-04 Ditmars Boulevard (Block 1640, Lots 20 and 25), in a C4-2 District.

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**WHEREAS**, on May 17, 2000, La Guardia Associates, L.P. submitted an application [M 820995 (B) ZMQ] to modify Restrictive Declaration D-89 as it relates to Tax Lots 20 and 25, Block 1640 in Community District 3, Borough of Queens; and

**WHEREAS**, Restrictive Declaration D-89 was entered into in connection with approval of a Zoning Map amendment (C 820995 ZMQ) changing an R3-2 District to a C4-2 District and an amendment to the City Map (C 820994 MMQ) to eliminate, discontinue and close several unimproved streets within the boundaries of the hotel site. In a related action, the granting of a special permit (C 831226 ZSQ) allowed the construction of a three-story public parking garage and limited the total number of on-site parking to 350 spaces; and

**WHEREAS**, the first modification application (M 820995 ZMQ) to Restrictive Declaration D-89 was approved by the City Planning Commission on June 9, 1987 and allowed an increase in the floor area by adding a seventh floor to the six-story hotel building and increased the number of guest rooms from 300 to 358, and

**WHEREAS**, in accordance with the above described applications, the site is developed with a seven-story hotel building with a floor area of 245,550 square feet and a three-story public parking garage with a floor area of 89,410 square feet. The total existing floor area for the site

is 334,960 square feet (1.4 FAR); and

**WHEREAS**, the three-story public parking garage has a total of 259 spaces and existing on-grade parking is developed with 39 spaces for a total of 298 parking spaces, some of which are used by an automobile rental establishment; and

**WHEREAS**, the site plan of Restrictive Declaration D-89 is proposed to be modified to allow the construction of a new, eleven-story hotel building, enclosed elevated walkways at the second level that will connect to the existing public garage and the existing hotel building and a ground floor greenhouse enclosure attached to the existing hotel building. The new building and additions will have a floor area of 111,200 square feet with 220 guest rooms. The new hotel building and the existing hotel including the elevated garage structure, will have a total floor area of 446,160 square feet. The existing 1.4 FAR will be increased to 1.8 FAR on a site that has a lot area of 256,754 square feet in a C4-2 District. An increase in on-site parking to 350 spaces as allowed by special permit (C 831226 ZSQ) is reflected by the new site plan and includes parking spaces for an automobile rental establishment. The total number of on-site parking will be increased from 298 to 350 spaces, the maximum allowed by the parking special permit. This increase will be accommodated by changes to the on-grade parking and public garage necessitated by the location of the proposed eleven-story hotel building and will include the thirty parking spaces needed by the proposed automobile rental establishment. No new curb cuts are proposed, but an existing 35 foot wide curb cut on Ditmars Boulevard will be widened to 50 feet, the width approved by the first modification (M 820995 ZMQ); and

**WHEREAS**, this application [M 820995 (B) ZMQ] 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977. The Department of City Planning submitted to the Commission, for its consideration, the results of their study of the potential environmental impact of the proposed action. A Conditional Negative Declaration, signed by the applicant dated January 29, 2001, stating the following:

- 1) To ensure an acceptable interior noise environment, the proposed hotel must provide a closed window condition with a minimum 35 dBA window / wall attenuation to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternative means of ventilation includes, but is not limited to, central air-conditioning or air-conditioning sleeves containing air-conditioners.
- 2) To prevent possible excessive exposure of construction workers to hazardous compounds, the applicant shall prepare and submit a Health and Safety Plan (HASP) for the protection of construction workers to the Department of Environmental Protection (DEP) for review and approval before commencement of construction.

The applicant will ensure that areas within the project boundaries that will remain unpaved after construction will be covered by a minimum of one foot of clean fill.

A 30-day public comment period commenced after the issuance of the Conditional Negative Declaration. A final Conditional Negative Declaration was issued on February 28, 2001. On April 24, 2001, the application was modified to increase the amount of on-site parking from 322 to 350 spaces. The conditions set forth in the Conditional Negative Declaration remained valid and an addendum was issued on April 24, 2001. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment; and

**WHEREAS**, this application was referred by the Department of City Planning to Community Board 3 and the Queens Borough President; and

**WHEREAS**, Community Board 3, on March 15, 2001, by a vote of 25 to 1 with 3 abstentions adopted a resolution recommending disapproval of the application stating that; "the 11-story building will block the view of the residences with houses along 102<sup>nd</sup> Street." It went on to add that; "also the neighborhood character will be drastically effected." Concern was expressed that the additional required parking by the new hotel building and parking generated by hotel events would have an impact on residential streets. The board recommended that an alternative plan be developed by the applicant in consultation with the community board which would reduce the height of the new hotel and address the resultant parking and traffic issues; and

**WHEREAS**, the application was considered by the President of Borough of Queens who, on April 11, 2001, issued a recommendation approving the application with the condition that, "the applicant should establish a ten-year educational scholarship program with a \$10,000 mandatory award to qualified Community Board # 3 residents for use toward tuition at New York State accredited hotel management schools or other educational institutions." Other conditions

were directed to address the reported lack of neighborhood street parking and traffic congestion related to hotel activities by offering valet parking and elimination of the parking spaces for the automobile rental establishment. A third recommendation proposed "to soften the effect of the new building on the existing character of the area" the design use "similar building materials, decorative elements and color schemes." The last two recommendations added that the monitoring committee specified in Restrictive Declaration D-89, as modified, to review hotel operation, assess training and hiring; and a recommendation that other stipulations of the restrictive declaration "should be fulfilled as previously agreed to by the applicant;" and

**WHEREAS**, in the course of the review process reflecting concerns by Community Board 3 members that hotel parking would adversely impact residential neighborhood streets in the surrounding R3-2 District, the proposed site parking will be increased from 298 existing spaces to 350 spaces, the maximum allowed by the previously approved special permit. A total number 28 accessory permitted and 322 required parking spaces are proposed; and

**WHEREAS**, in addition, Restrictive Declaration D-89 required La Guardia Associates, L.P. to provide and maintain landscaping improvements including but not limited to new trees, sidewalks and curbs on 102<sup>nd</sup> Street, and a modified landscaping plan in conjunction with the revised parking layout; and

**WHEREAS**, the Commission has determined that the application warrants approval; and

**THEREFORE**, be it **RESOLVED** that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions: "to ensure an acceptable interior noise environment, the proposed hotel must provide

a closed window condition with a minimum 35 dBA window / wall attenuation to maintain an interior noise level of 45 dBA;" and "to prevent possible excessive exposure of construction workers to hazardous compounds, the applicant shall prepare and submit a Health and Safety Plan (HASP) for the protection of construction workers to the Department of Environmental Protection (DEP) for review and approval before commencement of construction;"and "the applicant will ensure that areas within the project boundaries that will remain unpaved after construction will be covered by a minimum of one foot of clean fill." And be it further

**RESOLVED**, that the application submitted by La Guardia Associates, L.P. for the Second Modification of Restrictive Declaration D-89, pursuant to Section IV of that declaration, which was previously approved in connection with an application for a Zoning Map amendment (C 820995 ZMQ), and subsequently modified (M 820995 ZMQ) to provide for hotel development on Tax lots 20 and 25, Block 1640 in Community District 3, Borough of Queens, is approved subject to the following conditions:

1. The property that is the subject of this application [M 820995 (B) ZMQ] shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Ollie Cherniahivsky AIA, Architects, filed with this application and incorporated in this resolution:

<u>Drawing #</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1.1	Site, Plan, Building Code & Zoning Data and Notes	4/04/01
L-1	Landscaping Plan	4/04/01
G-1	Garage Plans	4/04/01
G-2	Garage Plans	4/04/01

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 plan listed above which has 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 the mitigative measures listed in the final Conditional Negative Declaration (CEQR No. 00DCP0033Q), dated January 29, 2001 and issued on February, 28, 2001 and the following language shall be incorporated therein:

To ensure an acceptable interior noise environment, the proposed hotel must provide a closed window condition with a minimum 35 dBA window / wall attenuation to maintain an interior noise level of 45 dBA. In order to maintain a

closed-window condition, an alternative means of ventilation includes, but is not limited to, central air-conditioning or air-conditioning sleeves containing air-conditioners.

To prevent possible excessive exposure of construction workers to hazardous compounds, the applicant shall prepare and submit a Health and Safety Plan (HASP) for the protection of construction workers to the Department of Environmental Protection (DEP) for review and approval before commencement of construction.

The applicant will ensure that areas within the project boundaries that will remain unpaved after construction will be covered by a minimum of one foot of clean fill.

5. Development pursuant to this resolution shall be allowed only after the attached Second Modification to Declaration dated April 20, 2001, executed by La Guardia Associates, L.P., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
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 part, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the approvals granted herein. 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 any approvals hereby granted or of the attached restrictive declaration.

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 approval.

The above resolution [M 820995 (B) ZMQ], duly adopted by the City Planning Commission on April 25, 2001 (Calendar No. 29), is hereby filed with the Office of the Speaker, City Council.

**JOSEPH B. ROSE**, Chairman

**VICTOR G. ALICEA**, Vice-Chairman,

**ALBERT ABNEY, AMANDA M. BURDEN, A.I.C.P., IRWIN G. CANTOR, P.E., ANGELA CAVALUZZI, R.A. KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, WILLIAM GRINKER, KENNETH J. KNUCKLES, ESQ. JOHN MEROLO**, Commissioners.

Community/Borough Board  
Recommendations

City Planning Commission  
22 Reade Street, New York, 10002

INSTRUCTIONS

2. RETURN COMPLETED FORM WITH ANY ATTACHMENTS TO THE CALENDAR INFORMATION OFFICE, CITY PLANNING COMMISSION, ROOM 2E AT THE ABOVE ADDRESS
2. SEND COPY OF THE COMPLETED FORM WITH ANY ATTACHMENTS TO THE APPLICANT'S REPRESENTATIVE AS INDICATED ON THE NOTICE OF CERTIFICATION, ONE COPY TO THE BOROUGH BOARD WHEN APPLICABLE.

APPLICATION #C820995ZMQ and site plan to Special Permit C8331226ZSQ

DOCKET DESCRIPTION

820995B

IN THE MATTER OF AN application for modification of Restrictive Declaration D-89 and the Site plan attached to Special Permit C831226ZSQ for the project site to enable the development of a new 220 room hotel. The site is located on the block generally bounded by Ditmars Blvd., 23<sup>rd</sup> Road, 102<sup>nd</sup> Street, 24<sup>th</sup> Avenue, Ericsson Street, Curtis Street and 25<sup>th</sup> Avenue, is currently occupied by a 358 room hotel, a surface parking lot and a multilevel parking structure. Application seeks to construct a new 220 room hotel on the site and will be located in area currently occupied by a 39 space at-grade parking area.

COMMUNITY BOARD NO. 3

BOROUGH Queens

BOROUGH BOARD \_\_\_\_\_

DATE OF PUBLIC HEARING March 15, 2001 LOCATION J.S. 227, The Louis Armstrong School

WAS QUORUM PRESENT? X 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 March 15, 2001 LOCATION J.S. 227, The Louis Armstrong School  
32-02 Junction Blvd., E. Elmhurst, N.Y.

RECOMMENDATION

     APPROVE      APPROVE WITH MODIFICATIONS/ CONDITIONS  
     DISAPPROVE XX DISAPPROVE WITH MODIFICATIONS/ CONDITIONS

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

Community Board #3 reviewed the above-referenced application. The Board recommends **disapproval** of the plans as proposed for the following reasons:

1. The 11-story height building will block the view of the residents with houses along 102<sup>nd</sup> Street. The building as now proposed will result in closing the visual gap between the Crowne Plaza on one side and the Marriott Hotel on the other side. Also the neighborhood character will be drastically affected.
2. The chronic parking and traffic problems experienced by the residents with the spillover parking on the residential streets and to those that attend events at the Crowne Plaza. The EAS did not address these traffic and parking impacts as the traffic counts were done only on weekdays
3. CB#3 recommends that the Crowne Plaza Hotel develops an alternative plan that addresses the building height, traffic and parking issues objected to by the community and that it provides an opportunity for the Board to review it.

VOTING  
IN FAVOR 25 AGAINST 1 ABSTAINING 3

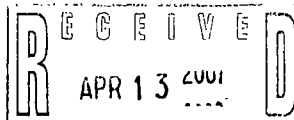
TOTAL MEMBERS APPOINTED TO BOARD 46

Theresa Obrowski  
COMMUNITY/BOROUGH BOARD OFFICER

Chairperson  
Title

March 20, 2001  
Date

CITY PLANNING COMMISSION  
01 MAR 27 AM 11:34  
DEPT. OF CITY PLANNING



QUEENS OFFICE  
Department of City Planning

## Queens Borough President Recommendation

APPLICATION: ULURP #M831226B ZSQ & M820995B ZMQ COMMUNITY BOARD: Q03

### DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Robinson Silverman Pearce on behalf of LaGuardia Associates L.P., pursuant to Section 197-c of the NYC Charter, for the second modification of Restrictive Declaration D-89 (C20995 ZMQ) and site plans attached to special permit C831226 ZSQ, to allow the construction of an eleven story, 220-room hotel in an C4-2 district located at **23<sup>rd</sup> Road between Ditmars Boulevard and 102<sup>nd</sup> Street**, Block 1640 Lots 20 and 25, Zoning Maps 9C/10a, East Elmhurst, Borough of Queens

### PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, Thursday, April 5, 2001, 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 four (4) speakers against with none (0) in favor. 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 has filed an application for the second modification of a restrictive declaration (D-89) and attached site plans to allow the construction of a new 11-story, 220-room hotel (111,200 sf) adjacent to the existing parking garage on the Crowne Plaza site, provide 350 parking spaces (290 parking garage, 60 at-grade) the maximum allowable pursuant to the restrictive declaration, by restriping the existing garage and marking new at-grade spaces. The proposed new hotel would bring the total built square footage on the site to 446,160 sf (approximately 1.8 FAR) or 53% of the allowable C4-2 FAR (3.4);
- In 1983, approvals for a zoning map change, demapping of streets, and a special permit allowing grouped parking of over 150 cars were granted by the City Planning Commission and Board of Estimate. The approved actions were to facilitate development of a hotel on the site. A restrictive declaration (D-89) was attached to the approvals limiting development on the site to 300 rooms and 350 parking spaces. Additionally, the applicant agreed to provide an annual \$6,000 scholarship for a ten (10) year period to qualifying individuals interested in hotel management studies;
- The restrictive declaration outlines actions that were stipulated in 1983 to address various issues that were raised relating to the more intensive development and increased density at the Crowne Plaza site. The specified actions were agreed to by the applicant in recognition of the changes that were to occur in a predominantly low density residential neighborhood as a result of the development of a hotel on the site;
- The first modification (850784 ZSQ) of the restrictive declaration was approved in 1987 allowing a 2.5% increase in floor area to 345,968 sf; the addition of one-story; and reconfiguration of the layout to include a combination of suites and guest rooms on the upper floors;
- The site is located on a 256,754 sf irregular lot. The existing hotel is a 7-story, 245,550 sf building with 358 rooms. The hotel also has a restaurant and meeting rooms available for rent to the community for private functions. The existing on-site parking is 298 spaces; 259 in the garage and 39 at-grade. Thirty (30) of those on-site parking spaces are leased to the Enterprise car-rental company;
- LaGuardia Airport is located on Flushing Bay with the Grand Central Parkway to the south separating it from East Elmhurst. Ditmars Boulevard is the major thoroughfare serving this area. The Marriot, Wyndham and Clarion hotels are located on the north side of Ditmars Boulevard, the Skyway and Crowne Plaza hotels are located south of Ditmars Boulevard. The blocks south of the Crowne Plaza and Skyway hotels are predominantly developed with one and two family detached and semi-detached homes;

Continued...

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**  
**ULURP #M831226B ZSQ & M820995B ZMQ**  
**Page Two**

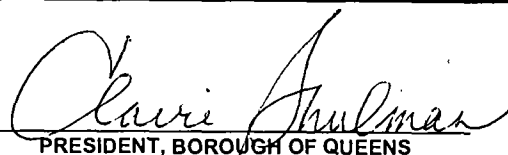
- Over the years, since the hotel has been in operation, the community has reported that there is a shortage of street parking in the surrounding neighborhood and increased traffic congestion particularly during peak levels of activity at the hotel. These conditions have also been reported during weekend events and activities;
- The airports and related industries are an important part of the Queens and New York City economy. Billions of dollars of economic activity are directly attributable to the airports and related industries. There is a need for hotel rooms to meet the growing demands of the aviation and tourism trade in the borough;
- Community Board 3 (CB3) disapproved these applications by a vote of twenty-five (25) against with one (1) in favor and three (3) abstaining at a public hearing held on March 15, 2001. CB 3 reasons for denying the application were as follows: the 11-story building will block the view of the residents with houses along 102<sup>nd</sup> Street; the proposed building will result in closing the visual gap between Crowne Plaza on one side and the Marriot Hotel on the other side; the character of the neighborhood will be drastically affected; the chronic parking and traffic problems experience by the residents with the spillover onto residential streets and to those that attend events at Crowne Plaza; the EAS did not address these traffic and parking impacts as the traffic counts were done only on weekdays. Community Board 3 recommended that the applicant should, with community input, develop an alternative plan that would address the building height, traffic and parking impacts opposed by the community.

**RECOMMENDATION**

Based upon the above consideration, I hereby recommend approval of the proposed modification of the restrictive declaration with conditions.

Testimony was received that the applicant has worked well with the community over the years to address issues and concerns as they arose concerning the existing hotel on the site. With the proposal to construct a new 11-story hotel, the applicant should continue that spirit of cooperation as follows:

- The applicant should establish a ten-year educational scholarship program with an \$10,000 mandatory annual award to qualified Community Board #3 residents for use toward tuition at New York State accredited hotel management schools or other educational institutions.
- To address the reported lack of neighborhood street parking and traffic congestion related to hotel activities and functions scheduled at the Hotel's meeting rooms and restaurant, the applicant should consider: offering valet parking with offsite storage to handle increased vehicular traffic and parking demand during peak levels of activity, and discontinue leasing 30 parking spaces to the car rental company.
- To soften the effect of the new hotel building on the existing character of the area, the design of the new building should be evocative of the existing hotel building using similar building materials, decorative elements and color schemes.
- As specified in the restrictive declaration a monitoring committee should be established to review the training program's general operation, assess the previous year's training and hiring record, and make projections for hiring and training. The committee shall also review any problems that may arise with regard to the hotel's operation and the community. The committee shall meet semi-annually. The initial meeting of the committee shall be held within three months of approval of the proposed modifications. The monitoring committee should include: representatives of Community Board #3, local elected officials, the Queens Borough President's office as well as other responsible community members.
- All other stipulations of the restrictive declaration, regarding parking operations, Department of Buildings and City Planning Commission design review, hotel participation in the community garden, hotel employment of local subcontractors, and provision of hotel employment training for local residents prior to the opening of the hotel should be fulfilled as previously agreed to by the applicant as it relates to the new proposed 11-story hotel.

  
PRESIDENT, BOROUGH OF QUEENS

4/11/01  
DATE