DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

TECHNICAL REVIEW DIVISION

Daniel R. Garodnick, Director
Department of City Planning

March 10, 2025

Ira Gluckman, R.A.
Borough Commissioner
Department of Buildings
120-55 Queens Boulevard
Kew Gardens, NY 11424

Re: Applic. No N 240368 CSQ
Substantial Compliance to C 100208 ZSQ and C 100209 ZSQ
Flushing Commons
38-15 138th Street a.k.a. 37-10 Union Street, Block 4978, p/o Lot 25
C4-4 District
Large-Scale General Development
Borough of Queens
Community District 7

Dear Commissioner Gluckman:

On December 28, 2012, the Department of Buildings was advised that the applications (C 100208 ZSQ and C 100209 ZSQ) were approved, as follows:

1. C 100208 ZSQ – an application submitted by Flushing Commons LLC and the NYC Economic Development Corporation for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

   a. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632, 33-432 and 35-60, the rear yard requirements of Sections 23-532 and 35-53, the rear yard setback requirements of Section 23-663, the minimum distance between buildings and minimum distance between legally required windows and building walls regulations of Section 23-711;

   b. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements; and

   c. Section 74-744(b) - to allow residential and non-residential uses to be arranged within buildings without regard for the requirements of Section 32-42;

   to facilitate a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development, was approved by the City Planning Commission on June 23, 2010 (Cal. No. 4) and

by the City Council on July 29, 2010 (Res. No. 382), on which date said Resolution of Approval became effective; and

2. C 100209 ZSQ – an application submitted by Flushing Commons LLC and the NYC Economic Development Corporation for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 1600 spaces, including 908 self-park spaces and 692 attended parking spaces, on portions of the ground floor, 1st level cellar, 2nd level cellar and the 3rd level cellar, in connection with a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development, was approved by the City Planning Commission on June 23, 2010 (Cal. No. 5) and by the City Council on July 29, 2010 (Res. No. 383), on which date said Resolution of Approval became effective;

THE SPECIAL PERMITS (C 100208 ZSQ AND C 100209 ZSQ) HAVE BEEN APPROVED SOLELY PURSUANT TO SECTIONS 74-743(a)(2), 74-743(a)(4) & 74-744(b) AND 74-512, RESPECTIVELY, OF THE ZONING RESOLUTION AND ARE SUBJECT TO VERIFICATION BY THE DEPARTMENT OF BUILDINGS FOR COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THE ZONING RESOLUTION.

Implementation of this proposal also required the following related actions:

1. C 100206 PPQ – an application submitted by NYC Department of Citywide Administrative Services (DCAS) for the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, p/o Lot 25), pursuant to zoning, was approved by the City Planning Commission on June 23, 2010 (Cal. No. 2) and by the City Council on July 29, 2010 (Res. No. 380),on which date said Resolution of Approval became effective;

2. C 100207 ZMQ – an application submitted by Flushing Commons LLC and the NYC Economic Development Corporation for an amendment of the Zoning Map, Section No. 10a, to change an existing C4-3 District to a C4-4 District, was approved by the City Planning Commission on June 23, 2010 (Cal. No. 3) and by the City Council on July 29, 2010 (Res. No. 381),on which date said Resolution of Approval became effective;

3. N 100210 ZRQ – an application submitted by Flushing Commons LLC for an amendment of the Zoning Resolution of the City of New York relating to Section 74-743 (Special Provisions for bulk modification), relating to open space in General Large Scale Developments in C4-4 Districts, was approved by the City Planning Commission on June 23, 2010 (Cal. No. 6) and by the City Council on July 29, 2010 (Res. No. 384), on which date said Resolution of Approval became effective.

Subsequently, on December 17, 2012, the Department of City Planning determined that certain revised drawings and a new drawing, dated December 6, 2012, were substantially compliant with the approved plans for application C 100209 ZSQ, involving a reduced footprint, a new fourth cellar level to maintain capacity, new circulation ramps configuration, modified space distribution, improved circulation, relocated mechanical areas, a new public elevator, and the removal of all stackers.

Subsequently, on October 29, 2013, the Department of City Planning determined that certain revised drawings dated October 9, 2013, were substantially compliant with the approved plans for applications C 100208 ZSQ and C 100209 ZSQ, involving some minor re-configuration to buildings C, D, & E due to programmatic changes to the proposal. In connection with the Applications, the applicant recorded a Declaration of General Large-Scale Development, dated December 30, 2013 (the "Declaration").

Subsequently, on September 11, 2019, the Department of City Planning approved an application for a minor modification to the Declaration to: (1) modify the definition of the Minimum Landscaping Treatment and its relationship to the Open Space Plan; (2) update Exhibit D of the Declaration; and (3) add a provision governing force majeure (the "Modified Declaration"). Such modification may be approved by the Chair of the City Planning Commission pursuant to Section 11.2 if it is determined by the Chair to be a minor amendment or modification of the Declaration.

Presently, TDC FC2 LLC has submitted an application (N 240368 CSQ), including the following revised plans prepared by Handel Architects, VHB, and Future Green Landscape Architecture DPC requesting a determination of substantial compliance for changes to previously approved special permit (C 100208 ZSQ and C 100209 ZSQ) in connection with a large-scale general development, on property at the above referenced location:

Dwg. No.	**Title**	**Last Date Revised**
Z2.0	Zoning Analysis	02/14/2025
Z3.0	Site Plan	02/14/2025
Z4.0	Required Yards	02/14/2025
Z4.1	Distance btw Bldgs & Residential Lot Coverage	02/14/2025
Z4.2	Open Space	02/14/2025
Z4.3	Site Plan Waiver Diagram	02/14/2025
Z5.0	Use Regulation Waiver Diagram I (Building AB)	02/14/2025
Z6.0	Ground Floor Plan	02/14/2025
Z7.0	Height & Setback Sections I	02/14/2025
Z7.1	Height & Setback Sections II	02/14/2025
Z7.2	Height & Setback Sections III	02/14/2025
Z7.3	Height & Setback Sections IV	02/14/2025
Z7.4	Height & Setback Sections V	02/14/2025
Z8.0	Street Level Parking Entrance Plan	02/14/2025
Z8.1	1st Cellar Level/ P1 Parking Level Plan	02/14/2025
Z8.2	2nd Cellar Level/ P2 Parking Level Plan	02/14/2025
Z8.3	3rd Cellar Level/ P3 Parking Level Plan	02/14/2025
Z8.4	4th Cellar Level/ P4 Parking Level Plan	02/14/2025
Z11.0	Illustrative Landscape Plan	02/14/2025
Z11.1	Illustrative Enlarged Landscape Plan I	02/14/2025

Z11.2	Illustrative Enlarged Landscape Plan II	02/14/2025
Z11.3	Illustrative Landscape Sections I	02/14/2025
Z11.4	Illustrative Landscape Sections II	02/14/2025
Z11.5	Illustrative Landscape Sections III	02/14/2025

These revised drawings reflect changes involving minor re-configuration and design of Buildings A, B & E, the publicly accessible open space, and the public parking facility, as more fully described in the enclosed application.

The Department of City Planning has reviewed these changes and has determined that the revised plans are in substantial compliance with the approval of the City Planning Commission (C 100208 ZSQ and C 100209 ZSQ).

Enclosed for your information is a copy of application (N 240368 CSQ) and the approved substantial compliance drawings as listed above.

Sincerely,

Steven Lenard

cc: LURDOB_DL
K. Ramnarine
C. Ogilvie-Laing
J. Halim
J. Chen
L. Zheng
K. Ko
A. McCabe
Applicant