



IN THE MATTER OF an application submitted by Court Square 45th Ave LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 7 (Special Long Island City Mixed Use District), Borough of Queens, Community District 2.

The applicant, Court Square 45th Ave LLC, filed this application for a zoning text amendment on August 8, 2018. The proposed action would facilitate the construction of a 45-story mixed-use building at 23-10 45th Avenue in the Court Square neighborhood of Long Island City, Queens, Community District 2.

BACKGROUND

The applicant seeks a zoning text amendment to provide relief from bulk regulations otherwise applicable to portions of a mixed-use building proposed to be located within the Court Square Subdistrict of the Special Long Island City Mixed Use District. The building is proposed to be constructed on a 11,145-square-foot site (Tax Block 80; Lots 1, 3, 5, 6, 7, 9, 10, 11 and 12) located north and west of Jackson Avenue and east of the elevated 7 transit line.

The City adopted the Court Square Subdistrict of the then-Special Hunters Point Mixed-use District in 1986 (N 860683 ZRQ). This action changed zoning provisions for the three blocks between Jackson Avenue and 23rd Street north of 45th Avenue (Tax Blocks 437, 79, and 80 and Court Square Blocks 1, 2, and 3, respectively) from M3-1 (a heavy industry zoning district) to either M1-4/R6B (a medium-density mixed-use district that allows a floor area ratio (FAR) of up to two for all uses) or C5-3 (a high-density commercial zoning district that allows mixed commercial and residential buildings up to 15 FAR), depending on site eligibility criteria. The subdistrict also included special bulk and subway improvement provisions which facilitated the construction of the Citigroup tower, now known as One Court Square, as well as a direct passageway connecting the mezzanine levels of the G and E/M transit lines. The City subsequently expanded mixed-use zoning in this vicinity and replaced the Special Hunters Point District with

the Special Long Island City Mixed Use District in 2001 (C 000406(A) ZMQ and N 000407(A) ZRQ). Block 3 of the Court Square Subdistrict (Tax Block 80) is the subject of this action.

Block 3 (Tax Block 80) is bounded by Jackson Avenue to the east, 45th Road to the south, 23rd Street to the west, and 45th Avenue to the north. The project site is an 11,145-square-foot assemblage located on a portion of Block 3 (Tax Block 80, Lots 5, 6, 7, 9, 10, 11, and 12) that has 80 feet of frontage on 23rd Street (a wide street, defined in the Zoning Resolution (ZR) as at least 75 feet wide) and 75 feet of frontage on 45th Avenue (a narrow street, defined as less than 75 feet wide). The site is developed with seven attached two- and three-story multi-family walkup buildings constructed in the 1880s and 1910s, with a total of about 20 total residential units. Lots 1 and 3, at the corner of Jackson Avenue and 45th Avenue, is developed with a two-story commercial building which will remain, but will transfer development rights to the project site. The applicant proposes to use all available development rights associated with Lots 1 and 3 in the proposed development.

The rest of the property on Block 3 (Tax Block 80) is not part of the development site assemblage, including Lot 4, a vacant, 17,820-square-foot lot, is on the southern half of the block, and Lot 8, a 1,300-square-foot corner lot occupied by a two-story multifamily walkup building at the intersection of 45th Avenue and 23rd Street.

The surrounding area is characterized by a mix of residential, commercial, light industrial, and public and private institutional uses. One Court Square, a 658-foot-tall office building completed in 1990, is immediately northeast of the project site on Block 2 of the subdistrict. Directly north of One Court Square, on Block 1 of the subdistrict, is a 15-story office building completed in 2006 that now houses the CUNY School of Law on its lower floors. Through subdistrict provisions for transit improvements, this office construction facilitated a direct transfer connection between the 7 and G transit lines at the Court Square station complex. Also on Block 1, a 67-story, 778-foot-tall residential condominium building is under construction.

Blocks southeast of the project site are developed with a mix of lower-scale commercial, light industrial, and residential buildings, with new high-rise buildings at 45-50 Pearson Street (15

stories) and 22-44 Jackson Avenue (48 stories). Blocks west of the site and the elevated 7 tracks contain primarily two- and three-story residential walkup buildings interspersed with one- and two-story light industrial and commercial buildings. Two blockfronts along 45th Avenue, just west of 23rd Street, comprise the Hunters Point Historic District, characterized by two- and three-story rowhouses dating from the second half of the nineteenth century. The elevated 7 train tracks separate the higher-density Court Square Subdistrict from the Hunters Point Historic District.

Five small open space areas with seating are in the surrounding area, including a privately-owned public open space connected to One Court Square. The full-block John F. Murray playground is one block west of the project site. MoMA PS1, a public library, a preschool, and multiple private health centers are in the surrounding area.

Block 3 contains two entrances to the Court Square subway station complex. An entrance to the 7 train station is at its southern end, and an entrance at its western edge, along Jackson Avenue, provides access to the E, M, G lines. Block 3 is approximately one half-mile from the Queens Plaza and Queensboro Plaza transit stations serviced by the N, W, 7, E, M, and R trains. Block 3 is also a half-mile from the Hunterspoint Avenue Long Island Rail Road station. Local bus lines in the area include the B62, Q39, and Q67.

For eligible zoning lots within the Court Square Subdistrict, the underlying C5-3 zoning district allows for a maximum 15 FAR for commercial uses and up to 12 FAR for residential uses with income-restricted units; up to 10 FAR is available for residences if the applicant does not include income-restricted units. The proposed 474,969-square-foot building would include 9,481 square feet of retail space on the ground floor, 68,133 square feet of office space on floors two through eight, and about 250 market-rate housing units on the remaining 37 floors. The overall FAR of the proposed building would be 15. Accessory parking is not required and would not be provided. Through the proposed text amendment described below, the 23rd Street frontage of the proposed building facing the elevated 7 train tracks would have a 125-foot base height and then a 20-foot setback before rising to the full building height. The text amendment would also allow the 45th Avenue frontage to have an 85-foot base height with a 15-foot tower setback.

The applicant requests a text amendment to the Court Square Subdistrict of the Special Long Island City Mixed Use district to facilitate the proposed development. ZR Section 117-421(c) and Appendix B include special height regulations that set a maximum building height of 85 feet if it is located within 60 feet east of 23rd Street between 44th Road and a line 75 feet north of 45th Road. These height regulations were enacted to locate taller portions of buildings further away from the elevated 7 tracks and the Hunters Point Historic District. These height and setback regulations, however, do not apply to most of the 23rd Street frontage of Lot 4, which is directly south of the project site on Block 3. On this portion of the block, a development may provide an initial setback at grade of 15 feet and then rise to the full building height. The proposed text amendment would replace this provision with a 125-foot maximum base height within 20 feet of 23rd Street. By comparison, Quality Housing buildings in R10-equivalent zoning districts (the Court Square C5-3 zoning district is an R10-equivalent district) outside the special district may have a base height between 125 and 155 feet with a 15-foot setback from wide streets.

The applicant also seeks to modify C5-3 height and setback requirements applicable to the 45th Avenue (a narrow street) frontage of Block 3. ZR Section 33-451 allows towers on small zoning lots (less than 20,000 square feet) to penetrate the sky exposure plane. Such tower may occupy any portion of the zoning lot not located less than 15 feet from the street line of a narrow street, provided that the aggregate area within 50 feet of a narrow street does not exceed 1,875 square feet. This provision, in combination with the special height regulations area described above, further reduces the tower floorplate size of a new building on the development site to only 3,375 square feet. The proposed amendment would replace and simplify this requirement for the 45th Avenue frontage of Block 3 with a 15-foot minimum setback above an 85-foot maximum base height, similar to base height and setback provisions for Quality Housing developments within an R8 district.

Approval of the proposed actions would facilitate the construction of a 45-story, 524-foot-tall mixed-use residential and commercial building proposed to contain approximately 250 market-rate residential units above eight stories of retail and office space. The requested bulk relief would allow a reduction of the overall tower height of the building from 70-stories to 45-stories, by creating larger, more efficient tower floorplates of about 6,300 square feet.

The applicant intends to comply with Court Square Subdistrict provisions for mandatory subway improvements as stipulated in ZR Sections 117-44, 117-45, and Appendix B to enable the maximum 15 FAR. New developments or expansions containing at least 70,000 square feet of floor area on a zoning lot of at least 10,000 square feet are eligible. The applicant is required to propose and implement subway improvements in consultation with and coordination by the New York Metropolitan Transportation Authority, the New York City Transit Authority, and the Chairperson of the City Planning Commission.

ENVIRONMENTAL REVIEW

This application (N 190036 ZRQ) 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 lead is the City Planning Commission. The CEQR number is 19DCP038Q.

After a study of the environmental impacts of the proposed action, a Negative Declaration was issued on February 11, 2019. To support the Negative Declaration, an (E) designation (E-523) related to hazardous materials, air quality, and noise would be established in connection with the proposed action. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

PUBLIC REVIEW

This application (N 190036 ZRQ) was duly referred on February 11, 2019 to Queens Community Board 2 and the Queens Borough President for information and review in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Queens Community Board 2 held public hearings on this application (N 190036 ZRQ) on March 7, 2019 and April 4, 2019. On April 4, by a vote of 28 in favor, three opposed, and with three abstaining, voted to recommend approval of the application on the condition that the applicant

provide no less than 10,000 square feet of community facility space for the Queens Public Library, an arts organization, or other Queens-based not for profit organization. The Board further requested that the applicant provide this community facility space at a monthly rental rate of no more than \$10 per square foot for no less than 20 years.

Borough President Recommendation

The Queens Borough President did not issue a recommendation for this application.

City Planning Commission Public Hearing

On March 27, 2019, (Calendar No. 1), the City Planning Commission scheduled April 10, 2019 for a public hearing on this application (N 190036 ZRQ). The hearing was duly held on April 10, 2019 (Calendar No. 15). Five speakers testified in favor of the application.

The applicant, the applicant's land use attorney, and the architect provided a summary of the requested actions and the proposed development. The applicant expressed a willingness to be responsible neighbors and partners with the City. The applicant also noted that they are committed to providing up to 5,000 square feet of community facility space in the building. The applicant's land use attorney further clarified that the residential component of the building would be condominiums and would not include income-restricted units.

A representative of the 32BJ service employees' union testified in favor of the application, stating that the applicant had committed to providing union jobs for building service workers.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 190036 ZRQ) is appropriate.

This action will enable the development of a 45-story mixed commercial and residential building with more efficient floor layouts, especially on the lower eight floors, where commercial office

and retail uses are proposed. The resulting building will be more harmonious in height with the surrounding context than the as-of-right 70-story building that would be allowed on the project site.

The proposed modifications to building bulk regulations pertaining to the 23rd Street and 45th Avenue frontages of Block 3 are appropriate and would produce efficient floor plates for mixed commercial and residential buildings. The provision of a 125-foot base height and 20-foot tower setback along 23rd Street (a wide street) is similar to, but not as generous as wide street bulk regulations for Quality Housing building in R10-equivalent districts that allow a base height between 125 and 155 feet and a 15-foot setback above. The Commission believes the proposed base massing will provide a sufficient distance between the building façade and the elevated railway, especially since an E-designation associated with this action would require the building to maintain low interior noise levels. Additionally, the proposed zoning provisions for the 45th Avenue frontage of the building would simplify tower encroachment provisions associated with the underlying C5-3 zoning district.

The Commission acknowledges the Community Board's request for community facility space at below-market rents for Queens-based non-profit organizations. This request is outside the scope of the requested action, but the Commission appreciates the applicant's commitment to providing community facility space and their stated willingness to work with local partners.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on February 11, 2019 with respect to this application (CEQR No. 19DCP038Q), 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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special Long Island City Mixed Use District**

* * *

**117-40
COURT SQUARE SUBDISTRICT**

* * *

**117-421
Special bulk regulations**

* * *

(c) The height and setback regulations of the underlying C5-3 District shall apply, except that:

- (1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and ~~a line 75 feet north of and parallel to 45th Road~~ 45th Avenue; and
- (2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback, except any portion of a #building# on Block 3 fronting upon 23rd Street may rise to a maximum height of 125 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above a height of 85 feet the highest applicable maximum #street wall# height, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified:

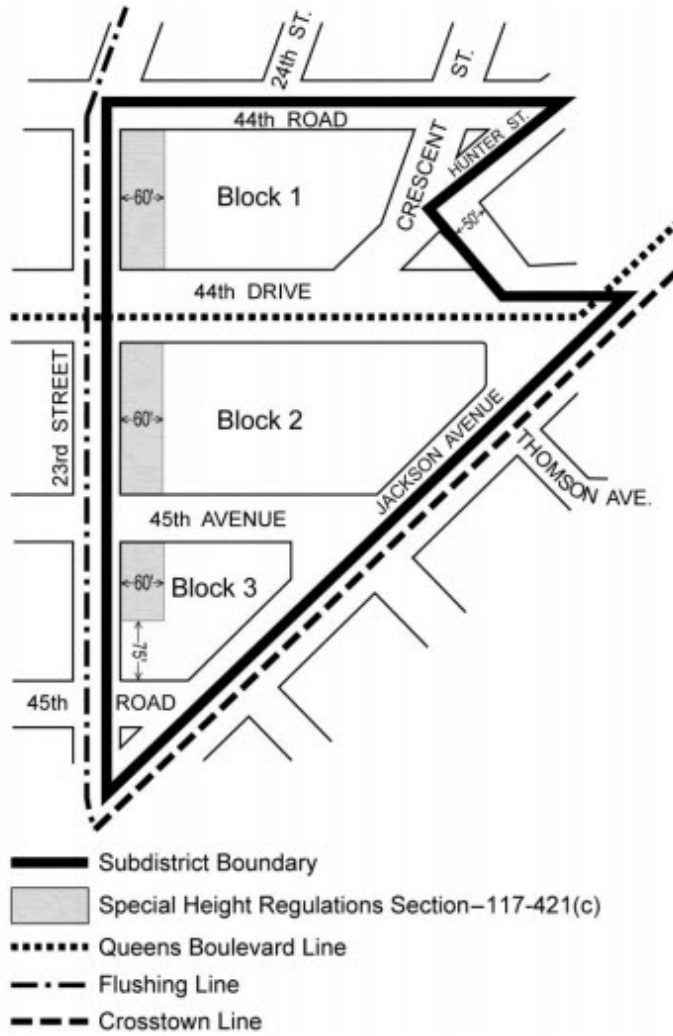
- (i) to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#, and
- (ii) so that the provisions of Section 33-451 (In certain specified Commercial Districts) regulating the aggregate area of a tower within 50 feet of a #narrow street# shall not apply to any #building# or portion of such #building# on Block 3 fronting upon 45th Avenue.

The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

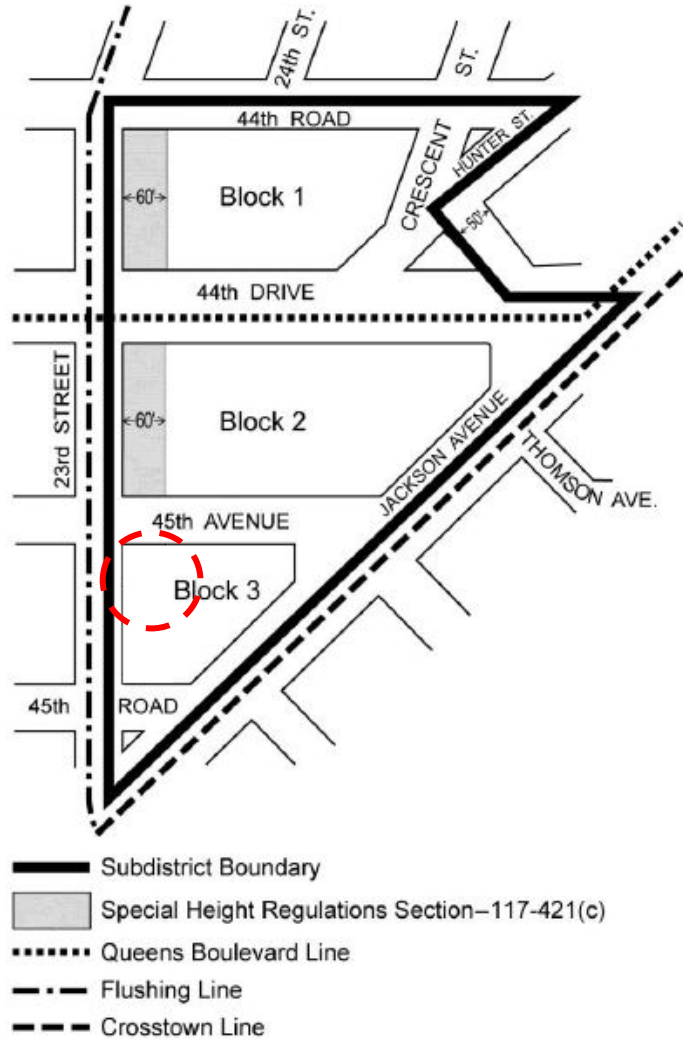
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Appendix B
Court Square Subdistrict Plan Map and Description of Improvements

[EXISTING MAP]



[PROPOSED MAP]



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The above resolution (N 190036 ZRQ), duly adopted by the City Planning Commission on May 8, 2019 (Calendar No. 8) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq., Vice-Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, *Esq.*, ALFRED C. CERULLO, III,

MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,

LARISA ORTIZ, RAJ RAMPERSHAD,

Commissioners



Melinda Katz
Queens Borough President

Community Board No. 2

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Denise Keehan-Smith
Chairwoman
Debra Markell Kleinert
District Manager

April 5, 2019

Ms. Marisa Lago
Director
Department of City Planning
City Planning Commission
Calendar Information Office
120 Broadway, 31st Floor
New York, NY 10271

RE: **Court Square Block 3 Text Amendment – 23-10 45th Avenue – CEQR 19DCP038Q**

Dear Ms. Lago:

On April 4, 2019 Community Board 2 held a public hearing to review the Court Square Block 3 Text Amendment for 23-10 45th Avenue CEQR: 19DCP038Q. At the meeting with a quorum present, a motion was made and seconded to approve the application for Tavros Capital with the following stipulation:

Tavros Capital provide a community facility space to be leased to the Queens Library, an arts organization or other Queens based not for profit organization for no less than 10,000 square feet at no more than \$10.00 a square foot, for no less than 20 years

In addition, Community Board 2 recommends the use of unionized labor and supports the developer's intention to work with the Building Service Employees Union 32BJ.

The motion carried with 28 in favor of the motion; 3 opposed and 3 abstentions.

Please contact CB2 if you have any questions.

Sincerely,

Lisa Deller
Chair, Land Use Committee

LD/mag

cc: Honorable Alexandria Ocasio-Cortez, US Congress
Honorable Carolyn B. Maloney, US Congress

Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate
Honorable Brian Barnwell, NYS Assembly
Honorable Michael DenDekker, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Robert Holden, NYC Council Member
Honorable Jimmy Van Bramer NYC Council Member
Honorable Daniel Dromm, NYC Council Member
Honorable Melinda Katz, Queens Borough President of the Borough of Queens
Honorable Melva Miller, Deputy Borough President
Irving Poy, Queens Borough President's Office
John Perricone, Queens Borough President's Office
John Young, NYC Department of City Planning
Alexis Wheeler, NYC Department of City Planning
Coralie Ayres, NYC Department of City Planning
Denise Keehan-Smith, Chairwoman, Community Board 2
Lisa Deller, Chair, Land Use Committee CB 2