



## **CITY PLANNING COMMISSION**

---

June 23, 2004/Calendar No. 25

N 040272 ZRQ

---

**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning Article XI, Chapter 7, (Special Long Island City Mixed Use District), relating to the revision of mixed use zoning regulations within the Hunters Point Subdistrict and expansion of the Special Long Island City Mixed Use District and the Hunters Point Subdistrict boundaries, in Community Board 2, Borough of Queens.

---

This application for amendment of the Zoning Resolution was filed by the Department of City Planning on February 4, 2004, to expand the existing Special Long Island City Mixed Use District (LIC) and the Hunters Point Subdistrict (HP) therein located in Long Island City, Queens Community District 2. The text amendment would also establish new mixed-use zoning regulations with regard to the Hunters Point Subdistrict. In addition, amendments are proposed for the Court Square Subdistrict and the Queens Plaza Subdistrict of LIC to make these sections consistent with other related sections of the Zoning Resolution.

On June 15, 2004, the Department filed revisions of the application. The revisions reflect requests that were made during the public review process by residents and property owners in the rezoning area.

### **RELATED ACTION**

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposed rezoning also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

1. C 040273 ZMQ      Amendment of the Zoning Map to establish new mixed-use zoning districts throughout a 43-block area of Hunters Point in Long Island City, Queens, generally bounded by 2<sup>nd</sup>, 5<sup>th</sup> and 11<sup>th</sup> streets on the west, 47<sup>th</sup> Avenue, 46<sup>th</sup> Road and 44<sup>th</sup> Drive on the north, 23<sup>rd</sup> Street, Jackson Avenue and the Sunnyside Yard on the east, and Borden Avenue and the Queens Midtown Tunnel on the south.

## **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for amendment of the Zoning Resolution (C 040273 ZMQ).

## **ENVIRONMENTAL REVIEW**

This application (N 040272 ZRQ ), in conjunction with the application for the related action (C 040273 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP011Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action and the related

application for amendment of the Zoning Map (C 040273 ZMQ), a Negative Declaration was issued on February 9, 2004.

## **PUBLIC REVIEW**

On February 9, 2004, this text change application was duly referred to Community Board 2 and the Queens Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application for an amendment to the Zoning Resolution, in conjunction with the related application for amendment of the Zoning Map (C 040273 ZMQ) on April 1, 2004. On that day, by a vote of 27 to three, with four abstentions and the board's Chair present but not voting, the community board adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 2 appears in the report on the related application for amendment of the Zoning Map (C 040273 ZMQ).

### **Borough President Recommendation**

This application was considered by the Borough President in conjunction with the related application for amendment of the Zoning Map (C 040273 ZMQ); the Borough President issued a recommendation approving the application with conditions on May 25, 2004. The Borough President's recommendation, however, was submitted after the 30-day review period.

A summary of the Borough President's recommendation appears in the report on the related application for amendment of the Zoning Map (C 040273 ZMQ).

### **City Planning Commission Public Hearing**

On May 12, 2004 (Calendar No. 8), the City Planning Commission scheduled May 26, 2004, for a public hearing on this application (N 040272 ZRQ). The hearing was duly held on May 26, 2004 (Calendar No. 26), in conjunction with the public hearing on the application for the related action (C 040273 ZMQ).

There were a number of speakers, as described in the report on the related application for amendment of the Zoning Map (C 040273 ZMQ), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment to the Zoning Resolution, in conjunction with the amendments to the Zoning Map (N 040273 ZMQ), as revised, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application, as revised, appear in the report on the related application for amendment of the Zoning Map (C 040273 ZMQ).

## **RESOLUTION**

**RESOLVED**, that 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 Section 200 of the New York City Charter, that based on the environmental determination and 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:

Underlined matter is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

## **CHAPTER 7 SPECIAL LONG ISLAND CITY MIXED USE DISTRICT**

\* \* \*

~~7/26/01~~  
**117-04**  
**Subdistricts**

In order to carry out the purposes and provisions of this Chapter, three subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts certain regulations apply that do not apply within the remainder of the #Special Long Island City Mixed Use District#. The Special District and Subdistricts are shown in Appendix A of this Chapter.

Special regulations set forth in Sections 117-~~05~~ -**10** through 117-30, inclusive, shall apply to the Hunters Point Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

\* \* \*

~~7/26/01~~  
**117-~~05~~ 10**  
**~~Hunters Point Subdistrict~~ HUNTERS POINT SUBDISTRICT**

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-10 through 117-30, inclusive, shall apply within the Hunters Point Subdistrict and, where noted in Sections 117-40 through 117-45, inclusive, shall also apply within the Court Square Subdistrict.

*(Note: the proposed amendment would delete the contents of Sections 117-10 through 117-24 pertaining to the Hunters Point Subdistrict and new regulations would be inserted in some of those section numbers.)*

~~7/26/01~~  
**117-10**  
**~~SPECIAL USE REGULATIONS FOR M1-4 DISTRICTS~~**

10/25/95

### **117-11**

#### **Residential Use Regulations**

~~#Uses# listed in Use Groups 1 and 2 are allowed subject to the conditions set forth in Sections 117-111 through 117-114, inclusive, and subject to the #bulk# regulations set forth in Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS).~~

10/25/95

### **117-111**

#### **Residential enlargements**

~~A #residential building# may be #enlarged# provided that the #enlargement# does not result in a new #dwelling-unit#.~~

10/25/95

### **117-112**

#### **Residential developments**

~~#Residential developments# are permitted, provided that:~~

- ~~(a) — the #side lot lines# of the #zoning lot#, on which such #development# will be located, abut #zoning lots# occupied by #residential#, #community facility# or #commercial uses# other than #uses# listed in Use Groups 13 or 16;~~
- ~~(b) — the frontage along the #street line# of such #zoning lot# does not exceed 60 feet and the total area of such #zoning lot# does not exceed 7,800 square feet; and~~
- ~~(c) — no #use# listed in Use Groups 16, 17 or 18 is located on such #zoning lot#, or on the #zoning lot# or lots abutting the rear #lot line# of such #zoning lot#.~~

10/25/95

### **117-113**

#### **Changes in use**

~~A #residential use# may be changed to a #community facility use#.~~

10/25/95

## **117-114**

### **Authorizations for residential uses**

The City Planning Commission may authorize a ~~#residential enlargement#~~ resulting in additional ~~#dwelling units#~~ or a ~~#residential development#~~ on a ~~#zoning lot#~~ that does not comply with the requirements of Section 117-112 (Residential developments) provided it finds that the ~~#residential use#~~ will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from ~~#commercial#~~ or ~~#manufacturing uses#~~ on the same or abutting ~~#zoning lot#~~.

In addition, for ~~#residential developments#~~, the Commission shall find that:

- (a) ~~the #zoning lot# on which such #development# would be located has been vacant or #land with minor improvements#, continuously, for the five years immediately prior to the date of application for such authorization; and~~
- (b) ~~the #development# will not preempt any #zoning lot# which is essential to the normal functioning or growth of #manufacturing uses# within the District.~~

10/25/95

## **117-12**

### **Community Facility Use Regulations**

~~#Uses# in Use Groups 3 and 4 may be #developed# or #enlarged# subject to the #bulk# regulations set forth in Section 117-20.~~

10/25/95

## **117-121**

### **Changes of use**

A ~~#community facility use#~~ may be converted to a ~~#residential use#~~ provided a ~~#use#~~ listed in Use Group 16, 17 or 18 is not located within the ~~#building#~~.

The City Planning Commission may authorize the change of a ~~#community facility use#~~ in a ~~#building#~~ also occupied by a ~~#residential use#~~ to a ~~#commercial use#~~ or a ~~#manufacturing use#~~, pursuant to Section 117-122 (Authorizations for community facility uses).

The Commission may authorize the change of a ~~#community facility use#~~ in a ~~#building#~~ also occupied by a ~~#use#~~ listed in Use Group 16, 17 or 18 to a ~~#residential use#~~ pursuant to Section 117-122.

10/25/95



## **117-122**

### **Authorizations for community facility uses**

The City Planning Commission may authorize the following changes of ~~#use#~~ provided it finds that the ~~#residential use#~~ will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from new or existing ~~#commercial#~~ or ~~#manufacturing uses#~~:

- (a) ~~from a #community facility use# to a #use# listed in Use Group 5, 6, 7, 8, 9, 10, 12, 14, 16 or 17 in a #building#, or portion thereof, occupied by a #residential# and #community facility use#, or~~
- (b) ~~from a #community facility use# to a #residential use# in a #building# also occupied by a #use# listed in Use Group 16, 17 or 18.~~

10/25/95

## **117-13**

### **Commercial and Manufacturing Use Regulations**

~~#Commercial# and #manufacturing uses# are permitted subject to the provisions set forth in Sections 117-131 through 117-134, inclusive, and subject to the #bulk# regulations set forth in Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS), except that #uses# listed in Use Groups 13, 15 and 18 are not permitted.~~

10/25/95

## **117-131**

### **Developments, enlargements and extensions**

~~#Developments# containing #uses# listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12 or 14 are permitted, provided that the #zoning lot# on which such #development# will be located has a #street line# abutting Fifth Street.~~

~~#Developments# containing #uses# listed in Use Group 16 or 17 are permitted, provided that the #zoning lot# on which such #development# will be located is not occupied by a #residential building#.~~

These restrictions shall not apply to the ~~#enlargement#~~ or ~~#extension#~~ of such ~~#uses#~~.

10/25/95

## **117-132**

### **Changes of use**

Any ~~#commercial#~~ or ~~#manufacturing use#~~ may be changed to a ~~#community facility use#~~.

On ~~#zoning lots#~~ not exceeding 2,500 square feet, any ~~#commercial#~~ or ~~#manufacturing use#~~ may be converted to a ~~#residential use#~~. On ~~#zoning lots#~~ exceeding 2,500 square feet, a ~~#commercial#~~ or ~~#manufacturing use#~~ may be converted to a ~~#residential use#~~ only pursuant to the provisions of Section 117-134 (Special permit for changes in use).

10/25/95

### **117-133**

#### **Authorizations for commercial or manufacturing uses**

The City Planning Commission may authorize a ~~#development#~~ containing ~~#uses#~~ listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12 or 14 to locate on a ~~#zoning lot#~~ with no ~~#street line#~~ abutting Fifth Street, provided it finds that the ~~#use#~~ will be ~~#developed#~~ on a ~~#zoning lot#~~ that has been vacant or ~~#land with minor improvements#~~, continuously, for the five years immediately prior to the date of application for such authorization.

In addition, the Commission may authorize a ~~#development#~~ containing ~~#uses#~~ listed in Use Groups 16, 17 or 18 to locate on a ~~#zoning lot#~~ that is also occupied by a ~~#residential building#~~ provided it finds that the ~~#development#~~ will not cause excessive noise, traffic, smoke, dust, noxious odor, or other impacts on ~~#residential uses#~~ located on the same ~~#zoning lot#~~ or on abutting ~~#zoning lots#~~.

10/25/95

### **117-134**

#### **Special permit for changes in use**

On a ~~#zoning lot#~~ exceeding 2,500 square feet, the City Planning Commission may permit the conversion of a ~~#building#~~, or portion thereof, in ~~#manufacturing#~~ or ~~#commercial use#~~ to ~~#residential use#~~, provided it finds that:

- (a) ~~such #building#, or portion thereof, has been vacant, continuously, for a period of one year immediately prior to the date of such application;~~
- (b) ~~such #residential use# will not preempt any #building#, or portion thereof, that is essential to the normal functioning or growth of #manufacturing uses# within the District; and~~
- (c) ~~such #residential use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from #commercial# or #manufacturing uses# located either on the same #zoning lot# or on abutting #zoning lots#.~~

10/25/95

### **117-14**

#### **Authorizations for Mixed Use Buildings**

The regulations set forth in Sections 117-141 and 117-142, inclusive, apply to #mixed use buildings#, as defined in Section 117-01 (Definitions):

10/25/95

#### **117-141**

#### **Developments and enlargements**

The City Planning Commission may, subject to the #use# regulations of Section 117-13 (Commercial and Manufacturing Use Regulations) and the #bulk# regulations of Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS), authorize a mixed-#use development# or an #enlargement# of an existing #mixed use building#, provided it finds that:

- (a) the #street wall# of the #development# or #enlargement# shall align with the #street wall# of an adjacent existing #building#;
- (b) the #commercial# or #manufacturing use# in the #development# or #enlargement# will not cause excessive noise, traffic, smoke, dust, noxious odor, or other impacts on #residential uses# located either on the same #zoning lot# or on abutting #zoning lots#; and
- (c) in the case of an #enlargement# of the portion of an existing #mixed use building# that is in #residential use#, such #use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from #commercial# or #manufacturing uses# located on the same #zoning lot# or on abutting #zoning lots#.

10/25/95

#### **117-142**

#### **Changes of use**

The City Planning Commission may authorize a change of #use# in the portion of a #mixed use building# in #commercial use# to a #use# listed in Use Groups 16 or 17, provided it finds that the new #use# will not cause excessive noise, traffic, smoke, dust, noxious odor, or other impacts on #residential uses# located on the same #zoning lot# or on abutting #zoning lots#.

10/25/95

#### **117-20**

#### **SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS**

10/25/95

#### **117-21**

#### **Residential Uses**

The #bulk# regulations for #residential uses# in R6B Districts shall apply.

10/25/95

**117-22**

**Community Facility Uses**

The ~~bulk~~ regulations for ~~community facility uses~~ in R6B Districts shall apply.

7/26/01

**117-23**

**Commercial and Manufacturing Uses**

The ~~bulk~~ regulations of an M1-4 District shall apply to ~~commercial~~ or ~~manufacturing uses~~.

10/25/95

**117-24**

**Mixed use Buildings**

The maximum ~~floor area ratio~~ for a ~~mixed use building~~ shall be 2.0.

**117-11**

**General provisions**

In special areas of the Hunters Point Subdistrict of the Special Long Island City Mixed Use District, an M1 District is paired with a Residence District. For the purposes of this Chapter, such Residence and M1 Districts are referred to as the “designated districts.” The designated districts within the Hunters Point Subdistrict are indicated on the zoning map and are as follows:

M1-4/R6A

M1-4/R6B

M1-4/R7A

M1-5/R7X

M1-5/R8A

**117-20**

**SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS**

**117-21**

**Special Provisions for Use, Bulk and Parking**

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The special use, bulk and parking provisions of Article XII, Chapter 3, of the Special Mixed Use District shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions

of the designated #Residence# or M1 District, as applicable.

**117-22**

**Modification of Use Group 6A**

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, &D, 7E, 8, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12 E, 13, 14, and 16) pertaining to Use Group 6A shall be modified as follows:

Food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to #floor area# per establishment.

~~10/25/95~~

**117-30**

**SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS**

10/25/95

**117-31**

**Special Use Regulations**

For #residential developments# or #enlargements#, #uses# on the ground floor shall be limited to non-#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be devoted to #uses# listed in Use Group 6B.

10/25/95

**117-32**

**Special Bulk Regulations**

For #developments# or #enlargements#, any #street wall# shall be built coincident with the #street line#.

10/25/95

**117-40**

**COURT SQUARE SUBDISTRICT**

7/26/01

**117-401**

**General provisions**

7/26/01

**117-41  
Court Square Subdistrict Plan**

The Subdistrict Plan for the Court Square Subdistrict identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map and the Description of Improvements, and is incorporated into the provisions of this Chapter.

~~7/26/01~~

**117-42  
Special Bulk and Use Regulations in the Court Square Subdistrict**

~~#Developments#~~ or ~~#enlargements#~~ containing at least 70,000 square feet of ~~#floor area#~~ on ~~#zoning lots#~~ of at least 10,000 square feet are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

Other ~~#developments#~~ or ~~#enlargements#~~ are subject to the ~~#use#~~ provisions of the underlying C5-3 District and the ~~#bulk#~~ provisions of an ~~M1-4 District~~ M1-4/R6B designated district pursuant to the regulations of Article XII, Chapter 3 (#Special Mixed Use District#), as modified by Sections 117-00 through ~~117-24~~ 117-22, inclusive.

~~7/26/01~~

**117-421  
Special bulk regulations**

- (a) ~~#Developments#~~ or ~~#enlargements#~~ that meet the minimum ~~#floor area#~~ and ~~#zoning lot#~~ standards of Section 117-44 (Mandatory subway improvements) and provide mandatory subway improvements as required by Section 117-44, may ~~#develop#~~ to a ~~#floor area ratio#~~ of 15.0. ~~#Developments#~~ or ~~#enlargements#~~ that do not meet the minimum standards of Section 117-44 shall not exceed the maximum ~~#floor area ratios#~~ ~~set forth in Sections 117-20 through 117-23, inclusive,~~ of the designated district for the applicable ~~#use#~~.
- (b) The following provisions shall not apply within the Court Square Subdistrict:
  - Section 33-14 (Floor Area Bonus for an Urban Plaza)
  - Section 33-15 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

Section 34-223 (Floor area bonus for a residential plaza)

Section 34-224 (Floor area bonus for an urban plaza)

Section 34-225 (Floor area bonus for an arcade)

Section 34-23 (Density Bonus for a Residential Plaza, Urban Plaza or Arcade).

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

\* \* \*

~~7/26/01~~

**117-50  
QUEENS PLAZA SUBDISTRICT**

\* \* \*

~~7/26/01~~

**~~117-525~~  
~~Density regulations for residential and mixed use buildings in Areas A-1, A-2, B and C~~**

~~In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict, the density requirements of Section 23-20 (DENSITY REGULATIONS) shall not apply. In lieu thereof, the #lot area per dwelling unit# requirements of this Section shall apply as set forth for the applicable designated #Residence District#, as specified in the following table:~~

~~MINIMUM LOT AREA PER DWELLING UNIT REQUIREMENTS  
IN THE DESIGNATED RESIDENCE DISTRICTS~~

<del>Designated Residence District</del>	<del>Minimum Lot Area per Dwelling Unit (square feet)</del>
<del>R7-3</del>	<del>135</del>
<del>R9</del>	<del>98</del>
<del>R10</del>	<del>79</del>

~~In addition, each #dwelling unit# shall have at least 400 square feet of #floor area#.~~

7/26/01

**117- 526 525**

**Special yard regulations**

\* \* \*





The above resolution (N 040272 ZRQ), duly adopted by the City Planning Commission on June 23, 2004 (Calendar No. 25), 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.

**AMANDA M. BURDEN**, AICP, Chair

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

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS**, Commissioners

**KAREN A. PHILLIPS**, Commissioner Voted No