



CITY PLANNING COMMISSION

May 20, 2009/Calendar No. 17

N 090304 ZRQ

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7 to modify certain provisions concerning the Queens Plaza, Court Square, and Hunters Point subdistricts of the Special Long Island City Mixed Use District, Community District 2, Borough of Queens.

The application for an amendment to the New York City Zoning Resolution was filed by the New York City Department of City Planning on January 29, 2009 to amend certain provisions of the Special Long Island City Mixed Use District. The proposed zoning text amendments would establish new height and setback provisions in the Court Square Subdistrict, reestablish a line-up provision in the Hunters Point Subdistrict, change the street wall location provisions at certain locations within the Court Square and Queens Plaza subdistricts and the location of required subway improvements in the Court Square Subdistrict, as well as eliminate required pedestrian circulation provisions and reorganize the subway improvement section in the Court Square Subdistrict. The proposed zoning text amendments affect blocks within the Hunter's Point neighborhood in Community District 2, Queens.

BACKGROUND

The Department of City Planning is proposing zoning text amendments to the Special Long Island City Mixed Use District (LIC District), a special purpose district mapped on blocks in Hunter's Point and Dutch Kills generally located between Fifth, 11th, 23rd, and 21st streets on the west, 44th Drive and 37th Avenue on the north, the Sunnyside Yards on the east, and Borden Avenue on the south. The LIC District is comprised of the Hunters Point, Court Square, Queens Plaza and Dutch Kills subdistricts. The Dutch Kills Subdistrict is not affected by the proposed amendments.

The LIC District was adopted in 2001, incorporating the boundaries of the former, smaller Special Hunters Point Mixed Use District (HP District) and 36 additional blocks between Court Square and Queens Plaza. The HP District was established in 1981 on all or portions of approximately 35 blocks comprising the mixed-use (residential and industrial) core of Hunter's Point, a neighborhood bounded by the East River on the west, Queens Plaza on the north, the Sunnyside Yards on the east, and Newtown Creek on the south. The HP District allowed light manufacturing uses as-of-right; other uses were allowed as-of-right or by City Planning Commission authorization or special permit, depending on their location. In 1986, the three-block Court Square Subdistrict (CS Subdistrict) was added to the HP District to facilitate high density commercial development. The underlying district was C5-3 (15.0 FAR) but in order to develop to the maximum allowed

FAR, the CS Subdistrict required developments meeting minimum lot and floor area size thresholds to construct subway improvements and provide pedestrian circulation space. The HP District was amended again in 1995 to allow for increased residential development opportunities on key streets in the district as part of a series of land use actions undertaken by the department to implement recommendations from the *Plan for Long Island City: A Framework for Development* (Framework, Department of City Planning, 1993). In 2001, the last of the *Framework's* land use recommendations was adopted with the establishment of the Queens Plaza Subdistrict (QP Subdistrict) on 34 blocks between 23rd Street, 41st Avenue, the Sunnyside Yards, and Crane Street. The QP Subdistrict was established to facilitate moderate to high density development of light industrial, commercial, residential, and community facility uses on blocks well-served by transit. The Special Mixed Use District (MX) provisions were applied to the QP Subdistrict and a number of special urban design provisions were also established to ensure a consistency between the building forms of new development and the existing high-lot coverage loft buildings that characterized the area. The existing HP District was renamed the LIC District, the CS Subdistrict was not changed, and the other blocks previously within the HP District boundaries became part of the HP Subdistrict, joining the CS and QP subdistricts. The HP Subdistrict was amended in 2004 when the MX provisions were applied to the subdistrict and the underlying M1-4 District was rezoned to R6B, M1-4/R6B, M1-4/R7A, M1-4/R7X, and M1-5/R8A districts. The LIC District was most recently amended in 2008 when the Dutch Kills Subdistrict was added.

Proposed Zoning Text Amendments

As referred, the proposed zoning text amendments would amend the bulk provisions of all of the affected subdistricts; additionally, within just the Court Square Subdistrict, the proposal would amend the sections related to subway improvements and eliminate the requirements for pedestrian circulation space.

QUEENS PLAZA SUBDISTRICT

An amendment is proposed for Section 117-531 (Street wall location) to allow the street wall of a development or enlargement on the Jackson Avenue frontage of a block also bounded by 42nd Road, 28th Street, and Queens Plaza South to be set back five feet from the street line if the sidewalk in front of the development or enlargement is improved with planting beds. Section 117-531 currently requires the street wall of all buildings on a wide street to be located at the street line. The current sidewalk width along this frontage is 20 feet.

The five-story Queens Plaza Municipal Garage had occupied the block that is the subject of the proposed text amendment from 1971 to April 2009, when it was demolished to make way for new office buildings. The

block is situated at one of the gateways to Hunter's Point and is a critical hinge between Jackson Avenue and Queens Plaza, prominent streets characterized by multiple development sites, heavy traffic volumes, and harsh pedestrian conditions. Landscaping, including planted medians and street trees, and other streetscape improvements are under construction along Jackson Avenue south of the former garage block and similar transformative improvements will soon be under construction at Queens Plaza. Few of these improvements could be constructed on or in front of the Jackson Avenue frontage of the former garage block, however. A water main and subway tunnel and station precluded tree planting while subway stairs, vents, and a bus stop narrowed the sidewalk such that there was insufficient space for both planting beds and pedestrian circulation. The additional five foot sidewalk width allowed by this proposed zoning text amendment would provide enough additional sidewalk space to accommodate five foot wide planting beds and sufficient space for pedestrian circulation.

Under the proposed text, the Chair of the Planning Commission and the Commissioner of the Department of Transportation would jointly be required to approve the planting bed design and the property owner would be required to maintain them.

COURT SQUARE SUBDISTRICT

A new section, Section 117-421(c)(2)(Special bulk regulations), is proposed for the Court Square Subdistrict to establish special height and setback provisions for developments or enlargements on Blocks 1 and 3, located generally between 23rd Street, 44th Road, Crescent Street, and Jackson Avenue. The provision would not apply to Block 2 because there are no further development opportunities on this block. The underlying C5-3 District allows buildings to set back from the street line and rise without setback. This building form is inconsistent with both the built form of the neighborhood and a long-standing urban design strategy for the neighborhood of using a consistent, pedestrian-scaled street wall to support a pedestrian-oriented environment. Section 117-421(c)(2) would require the street wall of a building to be located at the street line or sidewalk widening and extend along the entire street frontage of the zoning lot to a minimum height of 60 feet and a maximum height of 85 feet before a required tower setback of 10 feet on a wide street and 15 feet on a narrow street, consistent with zoning provisions in the other subdistricts of the LIC District and the built character of the neighborhood. A five foot setback for the tower portion of the building would be allowed above the base height if the tower is also setback at least 15 feet from each side lot line. These provisions would not apply to buildings of at least 300,000 square feet existing on the effective date of the proposed amendment.

Section 117-423 (Sidewalk widening) is proposed to establish a requirement for a five foot sidewalk widening for any development or enlargement with a building wall facing 45th Road. The sidewalk widening would allow the Department of Environmental Protection access to a sewer line that will be relocated from the bed of 45th Road to underneath the sidewalk on the north side of the street to accommodate a subway connection between the elevated 45th Road/Courthouse Square station of the #7 line and the Court Square station of the below grade G line. The subway connection is currently under construction

Section 117-43 (Mandatory Circulation Improvements) would be eliminated. The circulation improvements required by this section were designed for neighborhoods characterized by extraordinarily high pedestrian activity, such as Midtown Manhattan and Lower Manhattan. The Hunter's Point neighborhood does not have now, nor is it expected to have, similar levels of pedestrian activity. Section 117-44 (Mandatory Subway Improvements) would be reorganized for clarity.

HUNTERS POINT SUBDISTRICT

Section 117-23 (Street Wall Location in Certain Designated Districts) is proposed to require the street wall of any residential development or enlargement to line-up with an adjacent building to ensure a harmonious relationship between new buildings and the street. This proposed amendment would restore a line-up provision that was inadvertently eliminated when the Special Mixed Use District (MX District) provisions were applied to the HP Subdistrict in 2004.

APPENDIX B

Appendix B of the LIC Special District specifies the subway improvements required for developments or enlargements meeting the criteria for developing to the maximum 15 FAR allowed by the underlying C5-3 District of the CS Subdistrict. An amendment of Appendix B paragraph (c) is proposed to change the subway improvement required for a qualifying development on Block 3. A qualifying development must currently make improvements to the 21st Street station of the G line or construct a new entrance to the 45th Road/Courthouse Square station of the #7 line at the northwest corner (southeast corner of 45th Avenue and 23rd Street) of Block 3, at approximately the midpoint of the station, and enclosed within the development. The proposed text amendment would eliminate the option of constructing improvements to the G station and change the location for the required new entrance to the #7 station. The new entrance would be required at the north end of the station, at 44th Drive and 23rd Street, and would consist of two new platform entrances (one in each direction) and a street stair on each of the four corners of the intersection of 44th Drive and 23rd Street. The location for the new entrance is proposed to be changed because the new entrance would be closer

to densely developed blocks along and to the east and west of 23rd Street and because it would allow for easier transfers between the #7 line and the 23rd Street/Ely Avenue station (E, V), which also has an entrance at the northeast corner of the intersection of 44th Drive and 23rd Street. Subsequent qualifying developments on Block 3 would be required to provide access improvements to the #7, E, V, or G lines at 44th Drive and 23rd Street, to be determined in consultation with the Department of City Planning and the Metropolitan Transportation Authority.

ENVIRONMENTAL REVIEW

This application (N 090304 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 designated CEQR number is 09DCP047Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 2, 2009.

PUBLIC REVIEW

On February 2, 2009, this text change application (N 090304 ZRQ) was duly referred to Community Board 2 and the 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 (N 090304 ZRQ) on March 5, 2009 and, by a vote of 21 in favor, 0 opposed, and 2 abstentions, recommended approval of the application subject to the condition that "City Planning would review the flood plane regulations in regard to the line up provision and modify the text to provide better handicapped entry ways as needed."

Borough President Recommendation

The Borough President held a public hearing on this application (N 090304 ZRQ) on March 12, 2009 and issued a report on April 8, 2009 recommending approval of the application.

City Planning Commission Public Hearing

On April 1, 2009 (Calendar No. 4), the City Planning Commission scheduled April 22, 2009 for a public hearing on this application (N 090304 ZRQ). The hearing was duly held on April 22, 2009 (Calendar No. 30). There were no speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this text amendment to the Zoning Resolution (N 090304 ZRQ), as modified herein, is appropriate. The proposed amendments would ensure building forms consistent with the scale and character of existing and planned development, provide for the construction of a long-desired subway improvement at Court Square, allow for infrastructure maintenance and landscaping at key locations, eliminate unnecessary pedestrian circulation requirements, and clarify and reorganize the zoning text where appropriate.

The Commission believes the optional sidewalk widening provision for the Jackson Avenue frontage of the former Queens Plaza garage block is critical to improving the pedestrian experience at this key location. The planting beds allowed by this amendment would fill in the "missing link" between the Jackson Avenue and Queens Plaza improvements and create a welcoming environment at this neighborhood gateway. The Commission encourages the developer of this portion of the block to explore designs for the building that would use the sidewalk widening provision.

The Commission believes the line-up requirement for the Hunters Point Subdistrict and the height and setback provisions for the Court Square Subdistrict are essential to establishing a pedestrian-oriented environment in Hunter's Point. Absent the line-up provision in the Hunters Point Subdistrict, unsightly, blank building walls mar the pedestrian experience when new buildings are set back from adjacent buildings. The Commission notes the concern expressed by Community Board 2 regarding the need to ensure that the proposed line-up provision does not preclude building entrances for the disabled in areas with a high water table. The Commission, therefore, is modifying Section 117-23 (Street Wall Location in Certain Designated Districts) to allow for building entrance recesses of up to eight feet where ramps for the physically handicapped would be required and up to three feet where no ramp would be required. The proposed Court Square Subdistrict height and setback provisions, which would require a pedestrian-scaled building base at the street line with towers set back above, would reinforce street wall continuity. This provision is particularly important along Jackson Avenue, a street characterized by low-rise buildings built to the street and high-rise buildings with building bases at the street line and towers set back above the base.

The Commission looks forward to the realization of the new, north-end entrance to the #7 23rd Street/Courthouse Square station. The Commission notes the new entrance will better serve the neighborhood's employees, visitors, and residents, as well as subway riders seeking transfers between the #7, E, and V lines.

The Commission believes the proposed five foot sidewalk widening for developments on Block 3 of the Court Square Subdistrict is appropriate. The Commission notes that the sidewalk widening would only apply to developments facing 45th Road due to a subway improvement currently under construction in the bed of the street that will narrow the north sidewalk width to between eight and 10 feet. The Commission believes these are unacceptably narrow widths for both pedestrian circulation and infrastructure maintenance whereas the resulting 13 to 15 foot widths would be sufficient for both maintenance and circulation.

The Commission notes that while the Court Square Subdistrict requires developments on zoning lots of 5,000 square feet or more to relocate a subway stair within a new development, the New York City Transit Authority has indicated that not all subway stairs can be relocated due to infrastructure and safety concerns. The Commission, therefore, is modifying the text so that the subway stair relocation requirement applies only to stairs for the E and V lines.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the proposed 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 the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter Underlined 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

Article III – Commercial District Regulations

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Chapter 7 Special Urban Design Regulations

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37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

* * *

Article XI - Special Purpose Districts

Chapter 7 Special Long Island City Mixed Use District

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117-10

HUNTERS POINT SUBDISTRICT

* * *

117-23

Street Wall Location in Certain Designated Districts

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

In the districts indicated, the #street wall# of any #development# or #enlargement# containing #residences# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet. Recesses, not to exceed three feet in depth from the #street line# or eight feet in depth where ramps for the physically handicapped are required, shall be permitted on the ground floor where required to provide access to the #building#.

Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.

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117-40 COURT SQUARE SUBDISTRICT

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117-401 General provisions

The regulations governing #developments#, #enlargements#, #extensions# or changes of #use# within the Court Square Subdistrict of the #Special Long Island City Mixed Use District# are contained within Sections 117-40 through 117-45, inclusive. These regulations supplement the provisions of Sections 117-01 through 117-03, inclusive, of the #Special Long Island City Mixed Use District# and supersede the underlying districts.

Mandatory ~~pedestrian circulation and~~ subway improvements are ~~those~~ elements of the Subdistrict Plan which shall be built by the developer of the #zoning lot# to which they apply.

For the purposes of the mandatory ~~pedestrian circulation and~~ subway improvements in the Subdistrict, the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# resulting from #developments# or #enlargements# after August 14, 1986.

For the purposes of the mandatory ~~pedestrian circulation and~~ subway improvements in the Subdistrict, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single #zoning lot#.

117-41 Court Square Subdistrict Plan

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and 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.

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/R6B designated district pursuant to the regulations of Article XII, Chapter 3 (Special Mixed Use District), as modified by Sections 117-00 through 117-22, inclusive.

117-421

Special bulk regulations

- (a) #Developments# or #enlargements# that meet the minimum #floor area# and #zoning lot# standards of Section 117-44 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 ratio# of the designated district for the applicable #use#.

- (b) The following provisions shall not apply within the Court Square Subdistrict:

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

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

Section 34-224 (Floor area bonus for an arcade)

Section 34-23 (Modification of Yard 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, 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. 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 underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified 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#. The provisions of this paragraph (c)(2), shall not apply to #enlargements# on #zoning lots# existing on (the effective date of amendment), where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

* * *

117-423

Sidewalk widening

For any #development# or #enlargement# on Block 3 with a building wall facing 45th Road, a sidewalk widening of five feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the #front lot line# of the #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#, and that any post or other support for such element or any attachment to the support has a maximum horizontal dimension of six inches. No #street# trees, vehicle storage, parking or trash storage is permitted on such sidewalk widening.

* * *

117-43

Mandatory Circulation Improvement

All #developments# or #enlargements# on #zoning lots# of at least 15,000 square feet that contain at least 50,000 square feet of #floor area# or on #zoning lots# of any size providing at least 200,000 square feet of #floor area# shall provide a minimum amount of pedestrian circulation space at the rate provided in the following table:

<u>#Lot Area#</u>		<u>Minimum Area of Pedestrian Circulation Space</u>
15,000 to 40,000 sq. ft.		1 sq. ft. per 350 sq. ft. of #floor area#
Above 40,000 sq. ft.		1 sq. ft. per 300 sq. ft. of #floor area#

The pedestrian circulation space provided shall be one or more of the following types: building entrance recess area, corner circulation space, sidewalk widening or subway stair relocation.

Such pedestrian circulation space shall meet the requirements set forth in Section 117-431 (Design standards for pedestrian circulation spaces). No sidewalk widenings or corner circulation spaces shall be permitted along 23rd Street within the Court Square Subdistrict.

117-431

Design standards for pedestrian circulation spaces

(a) Sidewalk widening

A sidewalk widening is a continuous, paved open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width no less than 5 feet nor greater than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.

(2) Permitted interruptions

Only under the following conditions shall any interruptions of the continuity of a qualifying sidewalk widening be permitted.

- (i) A sidewalk widening may be overlapped by a corner circulation space or a building entrance recess area that permits uninterrupted pedestrian flow.
- (ii) An off-street subway entrance may interrupt a sidewalk widening, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#.
- (iii) A sidewalk widening may be overlapped by the queuing space of a relocated subway entrance, provided that the queuing space for the entrance leaves a 5 foot uninterrupted width of sidewalk widening along the entire length of the queuing space.
- (iv) A sidewalk widening may be interrupted by a driveway that is located at a #side lot line#. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least 8 feet above the #curb level#, and that any post or other support for such element or any attachment to the support has a maximum horizontal dimension of 6 inches.

(4) Specific prohibitions

No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or trash storage is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian

~~flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet along the sidewalk widening from its termination.~~

~~The transition area shall be landscaped and the paved portion shall have a curved or diagonal edge effecting a gradual reduction of its width over the length of the transition area to no width at the point of the sidewalk widening termination. The unpaved portion of such landscaped treatment shall not exceed 50 percent of the transition area and shall be considered a permitted obstruction.~~

(b) Corner circulation space

~~A corner circulation space is a small open space on the #zoning lot# of a #development# or #enlargement#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times. A corner circulation space shall meet the following requirements:~~

(1) Dimensions

~~A corner circulation space shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#.~~

(2) Obstructions

~~A corner circulation space shall be clear of all obstructions, including, without limitation, door swings, building columns, #street# trees, planters, vehicle storage, parking or trash storage. No gratings except for drainage are permitted.~~

(3) Building entrances

~~Entrances to ground level #uses# are permitted from a corner circulation space. An entrance to a building lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# which bound the corner circulation space.~~

(4) Permitted overlap

~~A corner circulation space may overlap with a sidewalk widening.~~

(c) Building entrance recess area

~~A building entrance recess area is a space which adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the building's lobby entrance. A building entrance recess area shall meet the following requirements.~~

(1) Dimensions

~~A building entrance recess area shall have a minimum length of 15 feet and a maximum~~

~~length of 40 feet measured parallel to the #street line#. It shall have a maximum depth of 15 feet measured from the #street line#, and if it adjoins a sidewalk widening shall have a minimum depth of 10 feet measured from the #street line#.~~

(2) Obstructions

~~A building entrance recess area shall either be completely open to the sky or completely under an overhanging portion of the #building# with a minimum clear height of 15 feet. It shall be free of obstructions except for building columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a building column and a wall of the #building# there shall be a clear path at least 5 feet in width.~~

(3) Permitted overlap

~~A building entrance recess area may overlap with a sidewalk widening or a corner circulation space.~~

117-44

Mandatory Subway Improvements

~~#Developments# or #enlargements# containing at least 70,000 square feet of total #floor area# on #zoning lots# of at least 10,000 square feet shall provide mandatory subway improvements as described in Appendix B of this Chapter~~

Subway improvements are required for qualifying #developments# or #enlargements# as follows:

(a) #Zoning lots# with at least 5,000 square feet of #lot area#

#Developments# or #enlargements# on #zoning lots# with 5,000 square feet or more of #lot area#, which front on a sidewalk containing a sidewalk entrance(s) to the E and V subway lines, shall relocate the stairway or entrance(s) to such subway onto the #zoning lot# in accordance with the provisions of Section 37-40 (Off-Street Relocation or Renovation of a Subway Stair), with the exception that, in addition to the waivers provided by Section 37-44, the additional standards for location, design and hours of public accessibility contained in Section 37-41 may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.

(b) #Zoning lots# with at least 10,000 square feet of #lot area#

#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix B (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3 in Appendix B.

~~In addition, on #Block # 3, any #development# or #enlargement# containing at least 300,000 square feet of total #floor area# or any #development# or #enlargement# on a #zoning lot# of at~~

least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the #block #, as described in paragraphs (c)(1) and (c)(2) for Block 3).

117-441

Standards and procedures for mandatory subway improvements

* * *

(b) Procedure

(1) Pre-application

* * *

~~(6) Where a #development# or #enlargement# is located on a #zoning lot# which fronts on a sidewalk containing a sidewalk entrance or entrances into a subway and such #zoning lot# contains 5,000 square feet or more of #lot area#, such #development# or #enlargement# shall relocate the stairway entrance or entrances to the subway onto the #zoning lot# in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair), with the exception that, in addition to the waivers provided by Section 37-034 (Waiver of requirements), the additional standards contained in Section 37-031 (Standards for location, design and hours of public accessibility) may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.~~

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117-50

QUEENS PLAZA SUBDISTRICT

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117-531

Street wall location

* * *

(g) For any #development# or #enlargement# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back ~~ten~~ five feet from the #street line# only upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #development# or #enlargement#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

* * *

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

* * *

Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. This Descriptions refers to the text for requirements and standards for the following improvements.

(a) # Block #1

- (+) A subway improvement, to consist of a connection between the G and 7 lines and maintenance of glass partitions in the control area of the E/F Ely Avenue mezzanine and near the control area of the G mezzanine which are to be installed by the developer of #Block #-2. The developer shall notify the Chairperson of the City Planning Commission upon both application for and issuance of a first building permit for the #development# on this #block#.

(b) —# Block #2

- (+) A subway improvement, to consist of a connection between the E/F and G lines, preparation of preliminary plans for a G/7 connection and installation of glass partitions in the control area of the E/F Ely Avenue mezzanine and near the control area of the G mezzanine upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the #development# on #Block#1.

(c) #Block #3

- (1) ~~A subway improvement, to consist of construction of a building entrance within the #lot line# at the northwestern corner of the #block#, a direct link to the 7 platform and construction of a new mezzanine area; and/or~~ The first #development# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Number 7 45th Road/Courthouse Square station, in consultation with the Metropolitan Transportation Authority and the Department of City Planning.
- (2) ~~A subway improvement, to consist of a substantial physical improvement to the G platform and mezzanine areas, including reconfiguration of control areas as necessary and acoustical upgrading. For subsequent #developments#, a subway improvement to the north end of the Number 7 45th Road/Courthouse Square station shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority and the Department of City Planning.~~

* * *

The above resolution (N 090304 ZRQ), duly adopted by the City Planning Commission on May 20, 2009 (Calendar No.17), 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, *FAICP, Chair*

ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, AIA, BETTY Y. CHEN, MARIA M. DEL TORO, NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, *Commissioners*

IRWIN G. CANTOR, P.E., *Commissioner*, RECUSED



Community Board No. 2

43-22 50th Street
Woodside, New York 11377
(718) 533-8773
Fax (718) 533-8777

Joseph Conley
Chairman

Debra Markell-Kleinert
District Manager

OFFICE OF THE
CHAIRPERSON
MAR 16 2009

19169

March 11, 2009

Amanda M. Burden
Director
Department of City Planning
22 Reade Street
New York, NY 10007

RE: Proposed Special Long Island City Mixed Use District Text Amendment
(N090304 ZRQ)

Dear Ms. Burden:

On March 5, 2009, at the regular monthly meeting of Community Board 2 a motion was made and seconded to approve the following changes to the Proposed Special Long Island City Mixed Use District Text Amendment (N090304 ZRQ).

Hunters Point Subdistrict

1. Restore a line up provision for new residential developments or enlargements in Hunters Point Subdistrict

NOTE: Stipulation that City Planning would review the flood plane regulations in regard to the line up provision and modify the text to provide better handicapped entry ways as needed.

Court Square Subdistrict

1. Change the location of a required entrance to the #7 45th Road/Court House Square station from 45th Avenue to 44th Drive for qualifying developments in the Court Square sub district.
2. Establish new height and setback provisions for the Court Square sub district that would require new buildings to be built at the street or sidewalk widening line with a building base with a minimum height of 60 feet and a maximum height of 85 feet with a setback above for the tower portion of the building (this provision would not apply to enlargements of buildings 300,000 square feet or larger).
3. Require new buildings facing 45th Road to be set back at least five feet from the street line.

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4. Eliminate the pedestrian circulation requirements for qualifying developments.
5. Reorganize the subway improvement sections.

Queens Plaza Subdistrict

1. Establish an optional five foot sidewalk widening provision for developments or enlargements fronting on Jackson Avenue between 42nd Road and Queens Plaza provided planting beds are provided in the sidewalk in front of the building and maintained by the owner.

The vote was 21 In Favor; 0 Opposed; 2 Abstentions with the Chairman present and not voting.

If you have any questions, please feel free to contact Community Board 2.

Sincerely,



Debra Markell Kleinert
District Manager

DMK/mag

cc: Honorable Joseph Crowley, US Congress
Honorable Carolyn B. Maloney, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable George Onorato, NY State Senate
Honorable Mike DenDekker, NYS Assembly
Honorable Margaret Markey, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Elizabeth Crowley, NYC Council Member
Honorable Eric Gioia, NYC Council Member
Honorable Helen Sears, NYC Council Member
Honorable Helen Marshall, President of the Borough of Queens
Honorable Karen Koslowitz, Deputy Borough President, Queens
Irving Poy, Queens Borough President's Office
Penny Lee, Department of City Planning
Joseph Conley, Chairman, Community Board 2
Lisa Deller, Chair, Land Use Committee

DCP proposed special long island city mixed use district text amendment

Queens Borough President Recommendation

APPLICATION: ULURP #N090304 ZRQ

COMMUNITY BOARD: Q02

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the NYC Department of City Planning (DCP), pursuant to Sections 200 and 201 of the NYC Charter, proposing text amendments to the Special Long Island City Mixed Use District affecting the Queens Plaza Subdistrict and Court Square Subdistrict, Zoning Maps 8d & 9b, Hunters Point, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 12, 2009, 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 no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- DCP is proposing six amendments that would further refine provisions of the subdistricts that make up the Special Long Island City Mixed Use District (LIC District). These new provisions would reinforce the intent and goal of the subdistricts to allow new vitality and mixed use development while retaining the built neighborhood character and providing an attractive environment for both residential and commercial uses.;
- The proposed amendments reflect needed refinements based upon the changes and real world examples of development that have occurred in this area since 2001 after adoption of the Special Long Island City Mixed Use District and subdistricts.;
- Hunters Point Subdistrict: new provisions requiring the height and setbacks of new buildings or building enlargements to be in alignment with existing adjacent buildings to assure that the resulting streetwall is consistent;
- Queens Plaza Subdistrict: new optional allowance that would promote planting beds in front of buildings if the sidewalk in front are set back five (5) feet from the street line. This provision is consistent with the Jackson Avenue streetscape improvements that are currently underway.;
- Court Square Subdistrict: mandatory five (5) feet setback for any development of enlargement on 45th Road to provide the NYC Department of Environmental Protection with ready access to a sewer line that would be located under the sidewalk of 45th Road; requirement for streetwalls to be located at the street line or sidewalk widening along the entire street frontage with a 60 feet minimum height and maximum 85 feet height with setbacks of either 10 feet on wide streets or 15 feet on narrow streets; elimination of requirements for building entrance recesses and corner circulation carve out spaces; relocation of mandatory subway improvements provided by new developments from the southeast corner of 45th Avenue and 23rd Street to 44th Drive and 23rd Street in consultation with DCP and the Metropolitan transportation Authority
- Community Board 2 (CB 2) approved this application by a vote of twenty-one (21) in favor with none (0) opposed and two (2) abstentions at a public hearing held on March 5, 2009. CB2's approval included a stipulation that the Department of City Planning should make sure that flood plane regulations in regards to the proposed line up provisions of the text amendment are compatible to assure that handicapped accessibility is optimally provided.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE