

IN THE MATTER OF an application submitted by Citibank, N.A. pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-72 of the Zoning Resolution for the grant of a special permit to modify the height and setback requirements applicable in C5-3 districts for construction of a 42-story office tower and five-story annex building on property bounded by the north side of Jackson Avenue, 44th Drive, 23rd Street and 45th Avenue (Block 79, Lots 18, 22, 30), Borough of Queens, CD 2.

The application for a special permit for a modification of height and setback requirements in C5-3 districts was filed by Citibank, N.A., on November 7, 1985 to permit construction of a 42 story office tower and five story annex building in a C5-3 zone.

RELATED ACTIONS

In addition to the application for a special permit (C 860429 ZSQ) which is the subject of this report, the proposed project requires favorable action by the City Planning Commission and the Board of Estimate on the following applications which are the subject of separate reports dated July 9, 1986.

C 860682(A) ZMQ - An application for an amendment of the zoning map, Section No. 9b, extending the Special Hunters Point Mixed Use District and rezoning within the existing and proposed Special Hunters Point Mixed Use District to change from an M3-1 district to a C5-3 District property bounded by Jackson Avenue, 23rd Street, 44th Road, Hunter Street, and a line running at a right angle, 50 feet from the southwesterly property line of Block 433, and 44th Drive.

N 860683 ZRQ - An application for an amendment to the Zoning Resolution, relating to Article XI, Chapter VIII creating the proposed Court Square Sub-district within the Special Hunters Point Mixed Use District.

BACKGROUND

The purpose of the related actions and the action requested in this application is to create high density office development in Queens.

The area proposed for the new proposed Court Square Sub-district is comprised of three blocks bounded by 44th Road, Crescent Street, Hunter Street, 44th Drive, Jackson Avenue, 45th Road and 23rd Street. All of the blocks with the exception of five lots on the northern block are currently within the Special Hunters Point Mixed Use District.

The Special Hunters Point Mixed Use District was enacted by the Commission in 1981 to stabilize the residential uses in a mixed residential and industrial area. The Special District permitted expansion of existing residential uses and development of new residential uses according to criteria which considers the environmental impacts of industrial uses on residential uses. New manufacturing uses would also comply to M1-4 requirements rather than the underlying M3-1 zone.

The three blocks designated as Block 1, 2 and 3 of the proposed Court Square Sub-district are the northern, middle and southern blocks respectively. For environmental review purposes, these blocks are known as Phase II, Phase I, and Phase III respectively. All three blocks are adjacent to existing entrances to subway lines -- Block 1 to the E and F line, Block 2 to the E, F and G lines, and Block 3 to the Flushing #7 line. Block 1 is bounded by 44th Avenue, Crescent Street, Hunter Street, 44th Drive and 23rd Street. Block 2 is bounded by 44th Drive, Jackson Avenue, 45th Avenue and 23rd Street. Block 3 is bounded by 45th Avenue, Jackson Avenue, 45th Road and 23rd Street. The environmental impact statement addresses not only Phase I development which is the subject of this special permit, but the potential Phase II development on the north site largely owned by the applicant and the more future development of the Phase III south block.

The elevated tracks of the #7 line separate the three blocks from the Hunters Point Historic District located on 45th Avenue between 23rd and 21st Streets. The area was designated a landmark district in 1968. Block 2, on which the applicant proposes to build its 42 story office tower, is directly across from the Queens Supreme Court Building, which along with its entire site, is a designated City Landmark.

The three blocks face a series of small open spaces on their Jackson Avenue and Crescent/Hunter Street frontages. These open spaces are within the bed of the mapped street and are what the Department of Transportation has labeled "channelizations". Three of them function as public "squares" named for local war heroes and while they are not mapped parks, are maintained by the Parks Department. Court Square Park is part of the Courthouse landmark site, and although not a mapped park, is also maintained by the Parks Department.

The three blocks are currently occupied by a mix of uses. Block 2, the proposed development site consists of a vacant parking lot on its Jackson Avenue frontage, 2 industrial/warehouse uses on 44th Drive and 5 residential and 2 office uses fronting on 23rd Street. The northern block, contains six two and three story residential buildings, three industrial uses and some office uses. The southern block has commercial and office uses, including five ground floor retail establishments and three restaurants. Ten residential structures are on this block with nine fronting on 23rd Street. On the 45th Avenue side of this block is a luxury auto showroom and repair shop.

The current underlying M3-1 allows an FAR of 2. The intent of the related proposed zoning change to C5-3 is to increase available FAR on the three blocks to 15, an increase of 13 FAR. The existing FAR of 2 would allow approximately 148,000 square feet of development on block 1, 170,000, square feet of development on block 2, and 77,000 square feet of development on block 3, respectively. The proposed C5-3 would allow 1.2 million square feet, 1.4 million square feet and 640,000 square feet respectively, of new development.

Project Description

The proposed development consists of a 42 story office tower on the Jackson Avenue frontage of block 2, connected by a cylindrical glass atrium to a five story annex building. The building will contain a new subway passageway that will join the existing station and mezzanine of the E and F line at 23rd Street/Ely Avenue Station to the existing station and mezzanine of the G line at Court Square Station, creating a free transfer between them. The project will also provide an approximately 16,000 square foot landscaped public space near Jackson Avenue, approximately 4,000 square feet of widened sidewalk and pedestrian circulation space, improved and relandscaped surrounding traffic channelizations, a public library of approximately 2,500 rentable square feet, and approximately 10,000 square feet of street level retail space.

Citibank Building

The project consists of a 42 story office tower containing floors of 26,200 square feet, plus a lobby and two mechanical floors fronting on Jackson Avenue. A five story annex building plus one mechanical floor connected to the tower at the ground floor and second level and drawings will occupy the western half of

the blocks and step back from 23rd street as mandated in the urban design controls of the accompanying proposed Court Square Sub-district text amendment. The second level of the annex building will lead to food service facilities for the entire complex and be accessible from the tower ground floor by escalators.

A cylindrical glass atrium attaches the two buildings and serves as the covering element of a new subway mezzanine that joins the E, F and G lines, creating a free transfer between them. The rotunda would have landscaping at the concourse level, open sides at the concourse level and continue into the subway concourse at 12 feet below street level. Natural light would be brought down to the subway concourse through two landscaped light wells adjacent to the subway passageway concourse.

A street level floor of the annex building will contain approximately 10,000 square feet of retail space to service neighborhood residents and tenants of the proposed building.

Mandated Subway Improvement

As mandated by the proposed Court Square Sub-district which is the subject of the accompanying text change, the applicant proposes to construct a three hundred and thirty foot long pedestrian passageway between the existing E, F and G mezzanines. The passage will be approximately twenty feet wide, expanding to thirty feet within the applicant's property lines. This new connection will provide a free transfer between the E, F and G lines.

The new connection will be accessed from 44th Drive from two new escalators and an eight foot wide stairway. A new token booth, turnstile area and new mezzanine will be built by the applicant. The mezzanine will be maintained by the applicant. The applicant shall fund operation of the token booth for two shifts a day, seven days a week.

Improvements to the G mezzanine consist of new partitions and public restrooms. A relocated and weather protected stairway to the G mezzanine from Jackson Avenue will be constructed on the applicant's property.

An additional requirement of the proposed Court Square Sub-district to achieve the potential FAR of 15 is the preparation of plans for a connection between the G and #7 line to the level of 30% completion, as verified by the

Transit Authority. This connection will consist of a stair and escalator to be built on an expanded sidewalk on 45th Rd between Jackson Avenue and 23rd Street and will connect the existing elevated #7 platform to the existing G Mezzanine. The connection will be accomplished by breaking through the sidewalk and making a connection to the existing G Mezzanine on Jackson Avenue providing a covered escalator and new stairs. Construction of this connection would be the mandatory subway improvement required of the developer of the north block of the three in the proposed Court Square Sub-district, in order to build on a lot of 10,000 square feet or greater more than 70,000 square feet of floor area.

Open Space

On site public open space will include an approximately 16,000 square foot landscaped public space near Jackson Avenue and 44th Drive provided by the applicant. Part of this open space is created by extending the sidewalk of an existing traffic channelization known as Patrick J. Gleason Square which is adjacent to the proposed development block. The parcel of land lies in the bed of the street and remains within City ownership and will be maintained by the applicant.

In addition, approximately 4,000 square feet of widened sidewalks and pedestrian circulation space, as required in the proposed Court Square Sub-district text will be provided on site.

Off-site, the City of New York is planning to landscape the channelization at the intersection of Jackson and Thomson Avenues and refurbish Court Square Park. In addition, Rafferty Square channelization is proposed for reconfiguration which would result in increased open space. The channelization at the intersection of 45th Road, Jackson Avenue and 23rd Street is proposed for relandscaping in conjunction with Phase II construction of the G/7 subway connection.

Library

A public library of approximately 2,500 rentable square feet on 45th Ave. will be designed, built and furnished by the applicant. The space will be provided rent free, except for utilities, for a period of twenty years to the Queensborough Public Library System. The Queensborough Public Library will provide the supplies and books, and, staff, operate and maintain the library.

ENVIRONMENTAL REVIEW

This application, together with the related zoning map change application and related text amendment applications, was reviewed by the Department of Environmental Protection and the Department of City Planning pursuant to the New York State Environmental Quality Review (SEQR) regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617, et seq. (6 NYCRR 617), and the New York City Environmental Review (CEQR) regulations set forth in Mayoral Executive Order 91 of 1977. A Draft Environmental Impact Statement (DEIS) was prepared and a notice of completion for the DEIS was issued on March 24, 1986. A public hearing on the DEIS was held on June 4, 1986 to coincide with the City Planning Commission Public Hearing pursuant to the Uniform Land Use Review Procedure. A Final Environmental Impact Statement (FEIS) was prepared and a notice of completion for the FEIS was issued on June 29, 1986. Possible significant adverse effects were noted as follows:

Land Use/Neighborhood Character

The rezoning of this three block area from M3-1 to C5-3 would preclude the use of the area for future manufacturing uses. The construction of high rise office buildings in the rezoned sub-district would significantly change the prevailing community character of this location in Long Island City.

The Phase I office tower would not be consistent with the scale of the residential, office and industrial buildings existing in the immediate area and with the low to medium rise nature of the surrounding community. New shadows would be cast over an extensive area.

Phase II would intensify the impacts of the Phase I tower, significantly changing the areas's immediate land uses. The warehouse area along the south side of 44th Road which now acts as a buffer to the heavier industrial uses that lie further north of the study area and low-scale residential buildings to the west would be eliminated. Phase II would lead to the displacement of two shipping/warehousing establishments, and industrial contracting service, two real estate brokerage companies, professional law offices, a vacant building and six 3-story residential buildings containing approximately 28 housing units. Total employment on this block is approximately 60 people. Shadow impacts would be increased throughout the community.

Phase III would incrementally increase the impacts presented by the two previous phases. Phase III would lead to the displacement of a car dealer and car repair facility, four small retail sales establishments, three restaurants, a video rental store, upper floor offices for a local branch of a union, four vacant storefronts and ten residential structures containing approximately 22 occupied housing units. Total employment on this block is approximately 120 people.

Historic Resources

A proposed mitigation measure disclosed in the EIS would be the construction of an approximately 800 space parking garage behind the designated New York State Supreme Courthouse in the space occupied by the former jail. The entire block is a landmarked site. Due to the demolition of the jail and relationship of the proposed garage to the Courthouse, there may be potential impacts. The New York City Landmarks Preservation Commission would have to issue a Certificate of No Effect for the demolition of the existing jail and a Certificate of Appropriateness for construction of the garage.

There is a potential risk of damage to historic structures in the Hunters Point Historic District. Seismic monitoring and all requirements of the Landmarks Preservation Commission would be followed to prevent potential impacts.

Traffic Impacts

The EIS discloses impacts under two scenarios, resulting in automobile movement patterns that are quite distinct and impact levels that are different. The first is the "market force" scenario with garage(s) or parking lot(s) to be created at locations convenient to the proposed buildings. Under this scenario, 1988 Build traffic conditions at three locations in the study area would be significantly impacted in the A.M. peak hour. Under the present physical configuration, measurably congested conditions would result on Thomson Avenue (westbound) at the Jackson Avenue approach due to project induced traffic. Traffic volumes would approach roadway capacity on this link of Thomson Avenue. Further, traffic congestion which already exists on Northern Boulevard (southbound) at Queens Boulevard and on Queens Boulevard (westbound) at Jackson Avenue would be substantially increased.

In the P.M. peak hour, severe traffic congestion exists at the following locations: Jackson Avenue (northbound) at Queens Boulevard, Northern Boulevard (NB) at 41st Avenue, Queens Plaza North (WB) at 29th Street, and Crescent Street (SB) at Queens Plaza.

Congestion at these intersections would be significantly exacerbated due to project generated traffic.

By 1992, Phase II project-generated volumes would further exacerbate traffic congestion at all of the aforementioned intersections. In 1992 traffic volumes at affected locations would substantially exceed design capacity. In addition, traffic flow would be adversely affected during the P.M. peak period on Queens Boulevard (WB) at Jackson Avenue.

Scenario 2 is a "worst case" scenario which assumes no new off-street garages or lots would be constructed. The significantly impacted intersections under this scenario would be Thomson Avenue eastbound at Court Square and Jackson Avenue northbound at Queens Boulevard in the A.M. peak hours; and Thomson Avenue eastbound at Court Square and Jackson Avenue northbound at Queens Boulevard in the P.M. peak hour.

Various measures which could disperse and/or divert traffic approaching the critical intersections as well as improve the general flow of vehicles at significantly impacted locations were carefully examined to ameliorate project impacts. These measures (applied in various combinations) included the use of "alternative route" signage, turning prohibitions, and the adjustment of traffic signal timings. However, this package of proposals alone proved to be ineffective in reducing or dispersing the expected high volumes on the critical links.

Operational measures were effective for Scenario 1, but in order to mitigate Scenario 2 project-generated impacts, operational measures would have to be applied in combination with a proposal to create sufficient parking spaces to satisfy the additional parking demand generated by Phase I and Phase II development. This increased parking supply could substantially reduce A.M. peak hour volumes.

Both Scenario 1 and 2 would result in unmitigated traffic impacts at the same locations: Northern Boulevard southbound at Queens Boulevard and Queens

Boulevard westbound at Jackson Avenue during the A.M. peak hour; and at Crescent Street southbound at Queens Plaza North during the P.M. peak hour.

The permanent garage measure discussed above would, in conjunction with operational mitigation measures, ameliorate Phase I and Phase II projected air quality impacts. Since the garage on the jailhouse site is not an assured solution, parking lots on the North Site and the "Terra Cotta" site, were explored as an alternative. This measure would serve to prevent project related Phase I air quality impacts.

A separate mitigation measure would be required on Thomson Avenue to gain sufficient capacity along this artery. The Thomson Avenue Bridge at the eastern edge of the study area has been under reconstruction for a long period of time and is still in that state today. Because of this, delays are encountered and any reliable existing traffic analysis has been precluded. The traffic volumes now and in the future are quite high, and effective traffic engineering improvements would be required. In addition to those included in the rebuilt plans, scheduled for completion in 1988, a regulation to prohibit parking in the curbside lane is needed for the inbound direction (westerly) in the A.M. peak to provide one more moving lane.

Air Quality Impacts

Operation of the proposed project will increase mobile source emissions over the future No Build scenario. The upper stories of the proposed project would also be affected by the emissions from the Consolidated Edison stacks of the Ravenswood facility. In addition, during the construction phase, some localized short-term adverse air quality impacts would occur.

Mobile Source Impacts

The proposed project would result in increased vehicular trips to the project area and hence increased carbon monoxide (CO) concentrations. Maximum predicted one- and eight-hour CO concentrations without the project as well as with the project for the market force garage scenario in the years 1988 and 1992 were predicted.

The impacts of the proposed project are within the New York City de minimis criterion at all of the receptor locations adjacent to the project site except receptor #5 at Thomson Avenue. In addition, the incremental increase in

CO concentrations between the No Build and Build conditions reported for receptors 7A, 7B, 9 and 10 along Queens Boulevard (which are already predicted to have exceedancies under No Build conditions) are greater than the 0.5 de minimis criterion. Therefore, the project (without mitigation) generates significant adverse air quality impacts.

For Build conditions without the market force garages, the air quality levels are somewhat different. Under this scenario, the project would result in significant impacts at receptor sites 5 (at Thomson Avenue) and 7A and 7B (at Queens Boulevard and Jackson Avenue) in the A.M. peak period.

Air Quality Impact Mitigation

The results of the air quality assessment show that without mitigation, the proposed project would exacerbate existing exceedance of applicable federal and New York State air quality eight-hour standards at receptor locations along Queens Boulevard.

The air quality levels along Queens Boulevard are predicated to be in exceedance of the eight-hour carbon monoxide standard with and without the proposed project. However, the project significantly exacerbates these air quality exceedances. Traffic mitigation measures were therefore developed to reduce project induced impacts below significant incremental levels (0.5 ppm), and an analysis conducted to determine the effects on air quality of these measures. These measures, discussed in Traffic Alternatives of the Final Environmental Impact Statement as Scenario I and the parking garage alternative, mitigate the project impact along Queens Boulevard (receptor 7B, 9 and 10) with approximately the same result.

There are no significant air quality exceedances induced by the project at receptor locations adjacent to the project with the proposed mitigation measures; project induced impacts at receptor 5 are mitigated.

Scenario 2 presents a different problem - with violations and significant impacts predicted for the A.M. peak period. The proposed operational mitigation measures which are designed to alleviate peak P.M. impacts, would not be useful in reducing the impacts predicted under Scenario 2. Provision of adequate parking spaces would alleviate this problem as discussed above.

Conformance With the SIP (With Mitigation)

The SIP requires that if a project identifies induced or existing exceedances of the CO standard, New York City is required to commit to the implementation of mitigation measures so as to ensure that carbon monoxide standards will be achieved by December 31, 1987 and maintained thereafter. The mitigation proposed has reduced the project induced impact to below the de minimis level. However, at the present time, identified mitigation measures would not allow attainment of the eight-hour standard at receptor sites 7B, 9 and 10 with or without the project by 1988.

The findings of this analysis show that the Queensboro Bridge presently functions at theoretical capacity and that this condition results in queues on the approach to the Bridge -- the entire Queens Plaza, as far as the Northern Boulevard/Jackson Avenue intersection and beyond. Localized or site-specific mitigation measures would have limited effectiveness for curing the existing air quality problem. The City is committed, however, to achieving compliance at all sites by the 1987 decline. This may be done by various methods which might include improved mass transit, a ban of single occupancy vehicles on the free bridges, user fees for vehicles entering midtown Manhattan, etc.

Noise Impacts

The CEPO/CEQR standards for noise would be exceeded along 45th Avenue between 23rd Street and Jackson Avenue, one of four sites analyzed, with the inclusion of a garage. Mitigation measures would be required at this location. The developer would provide replacement windows and forced ventilation units to ensure that impacted buildings would have acceptable interior noise levels with windows closed.

BENEFICIAL IMPACTS

During the Phase I and II construction period, the cumulative private investment in terms of development expenditures is estimated to total \$316 to \$349 million. The cumulative total resulting economic activity in terms of wages and salaries and goods and services for Phase I and II construction is estimated at \$406 to \$449 million. Phase I and II cumulative construction employment both direct and generated is estimated at 6,230 to 6,890 person

years. For Phase III, the comparable figure would be 1,430 to 1,570 person years.

The operation of the Phase I and II developments would provide approximately 9,200 (4,200 and 5,000) permanent office and retail jobs. Phase III would add another 2,400 jobs.

The project site is expected to be eligible for real estate property tax abatement for the first eight years after ground breaking. Property taxes would be phased in at 20 percent per annum thereafter. For Phase I and II combined, the taxes on the land and buildings, based on the existing tax rate would be approximately \$6.9 to \$7.7 million annually for New York City and \$15.2 to \$16.8 million for New York State.

A major element of the proposal is the physical enhancement to the network of subway stations serving the development sites. The construction of a "free transfer" between the E/F stations and the G stations with the Phase I development is consistent with the Metropolitan Transportation Authority's Queens Subway Options Study. The Phase III connection would provide direct access to the #7 platform along with the construction of a new mezzanine area; or a substantial physical improvement to the G platform and mezzanine area.

Sewerage problems have been identified within the project catchment area. Sewer back-ups and clogged catch basins are associated today with peak storm water flows. Combined sewers, like those in the study area, are often extended beyond their capacity during moderate to heavy rains. Impacts to the sewerage system would be significantly reduced through on-site storm water retention as described in the Impact Section of the Environmental Impact Statement. As a further mitigation measure, the Phase I developer would clean the existing catch basins along the property.

UNIFORM LAND USE REVIEW

The application was certified as complete by the City Planning Commission on March 24, 1986 in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) and referred to Community Board 2, Borough of Queens.

Community Board Public Hearing

Community Board 2 held a public hearing on April 30, 1986 and adopted a favorable recommendation on May 8, 1986. The vote was 21 in favor, 6 opposed

and 3 abstaining. The Community Board vote contained an attached resolution which expressed its concerns and reservations about the project. These concerns addressed the following:

1. Creation of a proposed Court Square Sub-district within the Special Hunters Point Mixed Use District rather than a separate and distinct Court Square Special District.
2. Height of Citicorp Building.
3. Mandatory subway improvements as proposed. The Board preferred to see a direct above ground connection between the #7 and E, F lines and the #7 and G line.
4. Requirements that future developers of Block 1 and Block 3 present their proposed development scheme to Community Board 2 and be willing to negotiate a package of local amenities to be provided in conjunction with each development.
5. The retail space in the Citicorp project should provide adequate public restroom facilities.
6. Requirements that a developer who demolishes existing housing on any proposed Court Square Sub-district parcel be required to replace it with affordable housing in the same area.
7. The Department of City Planning should study Jackson Avenue and make recommendations for its orderly development.

Included in the approval package voted on by Community Board 2 were a set of local Community amenities which will be provided in conjunction with the project.

Those items to be provided by the applicant are:

On Site Physical Improvements

1. Art exhibition space in public areas, on a scheduled basis
2. Community meeting space in appropriate areas of site after normal business hours on a scheduled basis.
3. Security lighting installed by Citibank and on site security guards.

4. Public Library of 2000 usable square feet designed built and furnished by Citibank.

Programmatic Improvements

1. Neighborhood stabilization funds of \$100,000 the first year and \$50,000 per year for an additional five years thereafter to be provided by the applicant. These funds may only be used to help stabilize the residential communities affected by the development through community programs that preserve housing, or assist senior citizens and/or youths. A committee comprised of two representatives of the applicant, two Community Board representatives and one elected official shall designate appropriate not-for-profit groups as recipients on an annual basis. One hundred thousand dollars will be available to the committee six months after commencement of excavation and \$50,000 each year for 5 years after the first contribution.
2. The applicant will discuss proposed retail uses with CB 2 and local merchants.
3. The applicant will provide shuttle bus service for its employees between the proposed development and other of its buildings and the Hunters Point LIRR Station.
4. The applicant will attempt to expand its relationship regarding educational programs with LaGuardia Community College.
5. The applicant will make employment opportunities known to community residents on a priority basis in accordance with equal employment opportunity laws.
6. Construction coordination will minimize negative impacts on the surrounding community.

Coordinated Physical Improvements to be provided other than by Citicorp are:.

1. Improvements to Rafferty Square, Thomson and Jackson Avenues channelization (Q-267A) and Court Square Park. McKenna Square would remain unchanged.

2. Physical improvements and increased security measures to the 21st Street entrance of the E/F/Ely Avenue Station. Increased hours to token booth operation to be assessed by MTA six months prior to opening of proposed development.
3. Street improvements and lighting to 44th Drive between 21st and 23rd Streets, and 21st Street, between 45th Road and 44th Drive.
4. Installation of basketball courts on Department of Parks and Preservation property adjacent to John Andrews Park.

City Planning Commission Public Hearing

On May 14, 1986 (Calendar Nos. 23, 24 and 25) the City Planning Commission scheduled June 4, 1986 for a public hearing on the amendment of the zoning map, amendment to the Zoning Resolution, and granting of a special permit. On June 4, 1986 (Calendar Nos. 28,29,30) the City Planning Commission held the hearing and closed the hearing. Twenty six speakers were in opposition to the proposed actions and 31 were in favor.

Speakers in opposition to the development included residents of the community, members of a local block association and a representative of the Historic District Council. Speakers in favor included counsel for the applicant, representatives of business associations and the owners and operators of area businesses. Speakers conditionally in favor included the elected representative of the 21st Council District, a representative of Community Board 2 and the director of a local business association.

Speakers in opposition to the proposal were primarily concerned about the impact of the increased density in the neighborhood with regard to traffic and flooding, and the height of the tower and its relationship to the surrounding low rise community and historic district that exists on 45th Avenue between 21st and 23rd Streets. A critique of the environmental impact statement was submitted by a group of local residents.

Speakers in favor of the project considered the proposed development along with another anticipated development on the waterfront and the International Design Center to be part of the renaissance of the Long Island City Area. It was noted that the proposed development was a breakthrough in this type of

development outside of Manhattan and that a development of the quality proposed would aid other businesses in attracting high quality workers to their labor forces. It was noted that the package of on and off site public improvements and programmatic amenities was developed to offset impacts of the proposed development on the surrounding community.

Speakers conditionally in favor cited concerns raised in the vote by Community Board 2, the need for a parking garage and provision of a priority parking plan for local workers and residents.

CONSIDERATION

The application on which the Commission is acting involves the granting of a special permit for waiver of the height and setback requirements of the Zoning Resolution Section 74-72 applicable in a C5-3 district for construction of the proposed development. A related request for a change in zone from an M3-1 district to a C5-3 District for the three blocks of which the proposed site is the middle block and an amendment to the zoning resolution establishing the proposed Court Square Sub-district within the Special Hunters Point Mixed Use District are also being considered. The Commission believes that proposed development of the site as a major executive office building and the creation of a new high density office development in Queens warrants approval.

Change in the Zoning Map

The proposed amendment to the Zoning Map No. 9B, would extend the Special Hunters Point Mixed Use District, and within the existing and proposed Special Hunters Point Mixed Use District, change from an M3-1 District to a C5-3 District property bounded by Jackson Avenue, 23rd Street, 44th Road, Hunter Street to a line running at a right angle, 50 feet from the southwesterly property line of Block 433 and 44th Drive.

The change in zone from an M3-1 to a C5-3 produces a change in available floor area from an FAR of 2 to an FAR of 15 times lot area. The increase in FAR is tied to provision of mandatory subway improvements and pedestrian circulation improvements to be built by the developer of each block in the proposed Court Square Sub-district.

In supporting this action, the Commission has carefully considered the character and scale of the surrounding area, the opportunity created by the

confluence of three mass transit lines and the need to encourage major centers for office development outside Manhattan.

The proposed development site, encompassing 82,160 sq. ft. is predominately vacant and until recently was occupied by a parking lot. Existing townhouses in the northwest and southwest corners of the block are not included in the development parcel. The blocks north and south of the proposed development site contain a mix of industrial, office, retail and residential uses. The north block contains 28 housing units in six residential buildings, three residential establishments and two small office buildings. The southern site contains ten residential structures, five ground floor or one story retail uses and an auto showroom and repair shop.

The unique character of the three blocks that supports the change in FAR from 2 to 15 is their adjacency to three subway lines and the opportunity to connect them. The three blocks are separated from the lower scale residential community to the west by the tracks of the #7 elevated subway line. Additionally, the surrounding wide streets of Jackson Avenue and 44th Drive with their triangles and squares of open space add to the unique character of the three Sub-district blocks.

The Commission agrees with the local community that additional pressure for development along Jackson Avenue is likely. It has, therefore, instructed the Department of City Planning to undertake a study of Jackson Avenue, and in consultation with the community, make recommendations for a coordinated development policy.

Amendment to the Zoning Resolution

The Special Hunters Point Mixed Use District was enacted by the Commission in 1981 to stabilize the residential uses in a mixed residential and industrial area. The Special District permitted expansion of existing residential uses and development of new residential uses according to criteria which considers the environmental impact of industrial uses on residential uses. New manufacturing uses would also comply to M1-4 requirements rather than the underlying M3-1 zone.

The Special District also recognized Jackson Avenue and Vernon Boulevard as the two areas appropriate for as-of-right new commercial uses.

In supporting the creation of the proposed Court Square Sub-district within the Special Hunters Point Mixed Use District, the Commission has considered the appropriateness of the sub-district designation and been mindful of concern that the integrity of the Special District remain intact.

The proposed Sub-district does not alter the provisions of the Special Hunters Point Mixed Use District. Its special characteristic regarding subway confluence, wide streets, open space and separation from the main district by elevated tracks is not duplicated elsewhere in the Special Hunters Point Mixed Use District.

The provisions of the proposed Sub-district limit the C5-3 designation to uses which are deemed appropriate to a high density commercial office district. Restrictions limit uses allowed in use groups 3, 4, and 6 and prohibit new residential uses within the Sub-district.

The Commission has considered the impact of the proposed Court Square Sub-district and its resultant development by providing mandatory subway improvements, pedestrian circulation improvements and urban design controls in the proposed Sub-district. The mandatory subway improvements assure improved entrances and passageways to and from subway lines with direct access for the anticipated 4,200 workers from Citicorp and 5,000 workers from the north site development. The mandated pedestrian circulation improvements ensure on-site improvements that include sidewalk widening, corner circulation space, building entrance recess areas or subway stair relocation.

The urban design controls represent the Commission's sensitivity to the more residential neighborhood, including the historic block, to the west of the proposed Sub-district. The urban design controls limit the height of buildings along 23rd Street to 85 feet for a distance of sixty feet from the street line. Only on the southern block, for the first 75 feet from the streetline of 45th Road, will the height and setback requirements of C5-3 districts apply. Beginning at the height of eighty-five at the streetline, a sky exposure plane of 5.6 to 1 will be in effect.

The purpose of these urban design controls are to push tower development away from the residential areas to the west of 23rd Street and the elevated #7 line and toward the wide streets of Jackson Avenue and 44th Drive.

Provision of the subway improvement mandated for each block is the basis for achieving the 15 FAR of the C5-3 district.

The proposed Sub-district lists the mandatory lot improvements relating to subways in Appendix B of the Special Hunters Point proposed Court Square Sub-district Text. They are:

Block 1

1. A subway improvement, to consist of a connection between the G and #7 lines.

Block 2

1. A subway improvement, to consist of a connection between the E, F, and G lines, and plans for a G/#7 line connection to the level of 30% completion, as verified by the Transit Authority.

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
2. A subway improvement, to consist of the substantial physical improvement to the G platform and mezzanine areas, including reconfiguration of control areas as necessary and acoustical upgrading.

Central to these subway improvements, is the pedestrian passageway linking the 23rd Street Ely Avenue Station with the Court Square G Station. It would be functionally linked to the proposed development main tower, enabling passengers to move directly between the subway and the main tower. This link would be via stairs and escalators leading to a rotunda approximately at the midpoint of the passageway. This connection, which would run diagonally beneath the development block, will also permit free transfers between E and F line (Queens Boulevard line) at 23rd Street - Ely Avenue Station and the G line (Brooklyn - Queens crosstown line) at the Court Square Station.

The availability of this pedestrian passage and new entrance will benefit occupants of the proposed building as well as riders making transfers.

The proposed mandatory subway improvement shall create several important benefits for the New York City transit system. The first benefits are the accessibility of the station through the new widened entrance stairs and escalators, the provision of new direct free connections between two lines, the

provision of greater security through direct sight lines of surveillance with the new token booth, and provision of direct entry into the new development. Second, the provision of two escalators provides better accessibility to the new rotunda and subway mezzanine. Third, the new stairway, as well as the relocated Jackson Avenue stairs, are wide and provide weather protection. Fourth, the station's environment is enhanced by the light wells that bring natural light and air into the subway mezzanine level.

The proposed Court Square Sub-district requires Transit Authority concept approval on the mandatory subway improvements. Such a letter granting concept approval of the E,F/G connection was sent to the Chairman of the City Planning Commission on February 7, 1986. A similar letter dated February 21, 1986 was received from the Metropolitan Transportation Authority.

A letter from the Transit Authority stating that the drawings and documents submitted by the applicant are sufficient in scope and detail to describe the proposed E,F/G connection to confirm that construction of the subway improvement is feasible was dated July 3, 1986 and received by the Chairman of the City Planning Commission on July 7, 1986.

The Chairman of the City Planning Commission has received a letter from the Transit Authority dated July 3, 1986 stating that the Transit Authority has reviewed the plans for the proposed G/7 connection to be built by the north block developer and has determined that the concept appears desirable and feasible. A separate letter from the MTA dated on July 7, 1986 indicated the desirability of the proposed G/7 subway improvement.

The applicant has agreed to maintain the on and off site portion of the E,F/G connection and has agreed to provide funds to staff the token booth for two shifts a day, seven days a week. The City Planning Commission has received a copy of the signed maintenance agreement dated July 8, 1986.

The proposed Court Square Sub-district zoning text amendment requires certification by the Chairman of the proposed subway improvements prior to issuance by the Department of Buildings of an excavation or building permit for a development or enlargement on a zoning lot requiring a mandatory subway improvement.

The Commission believes that the proposed Court Square Sub-district within the Special Hunters Point Mixed Use District achieves the objectives of establishing a high density office development district in Queens, ensuring the mass transit accessibility necessary for creation and support of such a center while providing the mechanisms that safeguard existing uses which are built to a different scale and character than the proposed development.

Height and Setback Modification

In conjunction with the application for a zoning map amendment and an amendment to the Zoning Resolution filed by the Department of City Planning is a request by the applicant for a modification of the height and setback requirements of the underlying C5-3 district pursuant to Section 74-72 of the Zoning Resolution to permit construction of a 42 story office building of 663 feet in height with a potential 54-foot mechanical and microwave and satellite communications zone reserved at the top.

The site of the proposed development is bounded by four streets: 44th Drive on the north, 45th Avenue on the south, Jackson Avenue to the east, and 23rd Street to the west.

The proposed building satisfies the height and setback regulations along 23rd Street (including the height limit). It penetrates the sky exposure plane on 44th Drive, Jackson Avenue, and 45th Avenue, and encroaches into the initial setback on 45th Avenue as well.

The provisions of the proposed Court Square Sub-district encourage tower placement on Jackson Avenue by mandating a 60' wide strip along 23rd Street with a height limit on all construction of 85 feet. Because of the lot configuration, including residential buildings to remain on 23rd Street and the subway concourse diagonally intersecting the lot, the tower in the proposed development was placed at the Jackson Avenue frontage. In most respects, the building meets the 40% tower regulations of Section 33-45. Because the block is irregularly shaped, however, the tower comes right to the property line on Jackson Avenue and exceeds the permitted encroachment.

The development provides generously for open space in front of and around the tower, and the building element along 23rd Street is even lower than required by the additional urban design controls. Consequently, the Commission believes the height and setback modifications are appropriate.

Subway Station Improvements

The mandatory subway improvements specified in the proposed Court Square Sub-district zoning text to achieve a 15 FAR on the project site consists of a connection between the E, F and G lines, and plans for a G/#7 connection to the level of 30 percent completion as verified by the Transit Authority.

The work required of the applicant on the connection between the E, F and G lines includes the following:

1. Construction of a new wide entrance to the 23rd Street Ely Avenue Station consisting of a new eight foot wide stairway, two escalators, and an entrance rotunda that will provide natural light and air through light wells open to the sky beginning at the subway mezzanine level;
2. Construction of a three hundred and thirty foot long pedestrian passageway approximately 20 feet wide expanding to 30 feet wide within the Citicorp property line linking the 23rd Street Ely Avenue Station with the Court Square Station which would run diagonally beneath the development block and allow free transfers between the two lines;
3. Construction of a new token booth and turnstile area in the center of the entrance rotunda;

4. Construction of glass partitions or a combination of glass and steel bar partitions to replace steel bars at existing turnstiles of E/F Ely Avenue and G Court Square Station token booths and turnstiles that separate existing paid and non-paid zones;
5. Construction of a relocated subway stairway on Citicorp property near intersection of Jackson Avenue and 45th Avenue that leads from a weather covered kiosk to the G mezzanine;
6. Granting of a permanent irrevocable easement to the Transit Authority for the public benefit, through the property to encompass the subway improvement;
7. Maintenance and repair of that portion of the subway improvement built by the applicant, in accordance with the agreement between the applicant and the Transit Authority; and
8. Provision of funds to cover costs of staffing new token booths for two shifts a day, seven days a week.

In order to physically accommodate the passageway connection to the 23rd Street (easterly) end of the 23rd Street - Ely Avenue Station, the current street stairs located on the south side of 44th Drive at 23rd Street would be closed and removed. These stairs would be replaced by street stairs located farther east toward the midblock, which would lead directly to the passageway rotunda. Removal of the current south street stairs at 23rd Street will be necessary since the point at which the passageway connects with the station is constrained on the west by properties not owned by the applicant while making the connection east of the street stairs would require additional tunneling and utility relocation. The new staircase and escalators from 44th Drive one level down to the floor of the rotunda would be the principal and most visible entryway to the subway system. It would link together the various components of the development and connect to the street-level activities along the sidewalks. Natural light and outside air would be brought to the passageway level through the rotunda. A new token booth and turnstile group would be placed in the center of the rotunda and serve as the focus of the public transit network. The booth and control facilities will satisfy all Transit

Authority standards, and would also be compatible with the architectural image of the entire building complex. Thus, graphics, wall surface and pavement materials, and lighting of high quality are included in the total design. The applicant would build and maintain these physical facilities excluding maintenance of the token booth and turnstile. It would cover the costs of staffing the booth for two shifts a day, seven days a week.

Since the entire diagonal passageway would be within the paid zone, the existing stairs on the north side of 44th Drive would remain in their present configuration. This also applies to the existing token booth, waiting areas, and stairs to the platforms. At the time when the north block of the rezoning district (Phase II) is developed, further improvements to this part of the subway station may take place.

Prior to applying for, issuing or accepting an excavation or building permit from the Department of Buildings the developer shall submit all plans for the proposed subway improvement to the Chairman of the City Planning Commission. Within 90 days, the Chairman shall certify to the Department of Buildings the applicants compliance or non-compliance with requirements of the Sub-district plan.

Open Space

The applicant will provide approximately 16,000 square feet of landscaped public open space at Jackson Avenue and 44th Drive and approximately 4,000 additional square feet of sidewalk widenings and pedestrian circulation space surrounding the proposed building.

The open space figure includes space which would be created as a result of joining the triangular, traffic channelization known as Jerome Patrick Gleason Square to the eastern portion of the site. This open space would be created from the current street bed and a portion of the proposed development site added to the existing paved open space of Gleason Square. The New York City Department of Transportation has indicated in a letter dated May 30, 1986, that such extension of the triangle to meet the applicant's site is conceptually acceptable and has no adverse traffic impacts.

In considering the proposed zoning map change, zoning text change and height and setback modification the Commission has noted the unique street configurations in the area where intersection patterns have created a series of small channelization islands acting as passive public squares around the applicant's site and proposed Court Square Sub-district. The Commission believes that these open spaces relate to the proposed actions and that their improvement is an integral part of creating more and improved open space for the 4,200 Phase I and 5000 Phase II employees who will be introduced into the area as a result of the proposed actions.

As a result, in addition to the open space improvements on the applicant's site, the City of New York is planning to reconfigure, redesign, and relandscape Rafferty Square, as well as relandscape Court Square Park and the channelization at the intersection of Thomson and Jackson Avenues (Q-267A).

The Department of Transportation letter of May 30, 1986 also gave conceptual approval to the reconfiguration of Rafferty Square indicating that all details regarding curb cuts, parking spaces and safety issues would be addressed during preliminary and final design.

McKenna Square, at the intersection of Jackson Avenue and 45th Avenue shall remain in its present state as requested by Community Board 2.

To insure the maintenance of these newly designed and landscaped open spaces, the applicant shall provide a lump sum payment to the City of New York, or similar funding source acceptable to the City of New York, such that the annual payments generated shall be sufficient to provide the annual maintenance for the redesigned and reconstructed improvements to the open spaces. The amount of this annual obligation shall be determined by the Public Development Corporation in conjunction with the Department of Parks and Recreation.

Housing

In addition to considering the specific elements of the proposed height and setback modifications, zoning map amendment, zoning text amendment and open space considerations the Commission has given particular attention to the potential de-stabilizing impacts of the proposed actions on the surrounding mixed use community.

The Commission recognizes that an industrial retention study, already in progress by the Public Development Corporation is addressing impacts of development of the Hunters Point Waterfront and surrounding development pressures on existing Long Island City industrial uses. That study will develop recommendations for addressing identified impacts.

The Commission, therefore, has focused its concern on the impact of the proposed actions on the residential uses of the mixed use area. Having already adopted the Special Hunters Point Mixed Use District in 1981 to stabilize residences from a use point of view the Commission has looked towards programs that will stabilize housing from a user and condition point of view. A program already agreed to as part of an amenities package between Citicorp and Community Board 2 in part addresses this concern. This program establishes that Citicorp will make financial contributions totalling \$350,000 to help stabilize the residential communities affected by the development through community programs that preserve housing, or assist senior citizens and/or youths.

It was the Commission's opinion that these funds, not earmarked for only housing were not sufficient in either scope or target to accomplish the goal of housing stabilization.

In response to the Commission's concern, the applicant has agreed to provide a lump sum payment of \$63,000 to be used in the Housing Improvement Program (HIP) administered by the New York City Department of Housing Preservation and Development. The money shall be deposited in an account established at Citicorp or at a bank already participating in the HIP program.

The funds will be used to supplement HIP funds for the affected community which already makes home improvement loans available on owner occupied 1-4 family buildings at a 3% interest rate. The funds are now used to subsidize the difference between the 3% and prevailing interest rate for home improvement loans and would be used in this area to increase the number of people eligible for loans and to increase the maximum size of the loan. Current income eligibility requirements specify an applicant's income must be 80% below the City median income. Citicorp funds would be used to expand that eligibility

eligibility and make loans available to affected area residents whose income is up to 140% of the City median. The current maximum loan is \$10,000. The funds contributed by Citicorp would allow that maximum to increase to \$15,000.

The Commission believes this proposal provides an appropriate response to the potential pressures the Citicorp development will bring to surrounding residential uses. It will continue to support the process of stabilizing residential uses that the Commission began when it approved the Special Hunters Point Mixed Use District.

Public Parking

The C5-3 zone proposed for the proposed Court Square Sub-district does not have a parking requirement. The subway improvements, which are the mandatory lot improvements necessary to achieve a 15 FAR, indicate that the proposed Court Square Sub-district is viewed by the Commission as an urban central business district rather than a suburban office park. However, due to the location outside of Manhattan, the Commission believes and the Final Environmental Impact Statement has identified that the Phase I project and Phase II development will generate demand for parking in the area. The Commission also believes that current availability of parking for local residents and workers is limited and has not been aided through removal of the surface parking lot on the applicant's site that served 200 to 250 cars.

To respond to this concern of the Commission, the applicant has agreed to provide a minimum of 723 up to approximately 800 parking spaces in one of three ways.

Alternative 1 indicates the applicant shall construct an approximately 800 space municipal garage on the jailhouse site for a fixed price which would be turnkeyed to the City to be operated as a municipal garage.

The applicant is the contract vendee on the jailhouse site and selected this site due its size, location across from the development, accessibility and location on two streets (Court Square north and south) that dead-end at the railyards.

The jailhouse site is conceptually an appropriate site for the garage. Subsequent ULURP applications for site selection and a special permit for such

- (1) from among the reasonable alternatives thereto, the actions to be approved are ones that minimize or avoid adverse environmental effects to the maximum extent practicable; and
- (2) to the maximum extent practicable, the adverse environmental impacts revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

This report, together with the FEIS, shall constitute the written statement of facts supporting the decision and indicating the social, economic, and other factors and standards that form the basis of the decision, pursuant to 6 NYCRR 617.9 (C) (3).

RESOLUTION

The City Planning Commission has determined that this application warrants approval subject to the conditions stated in the following resolution:

RESOLVED, by the City Planning Commission, pursuant to Sections 197-C and 200 of the New York City Charter that the application by Citibank, N.A. requesting a special permit pursuant to Section 74-72 for height and setback modifications for a 42-story office tower and five-story annex building on property bounded by the north side of Jackson Avenue, 44th Drive, 23rd Street and 45th Avenue (Block 79, Lots 18, 22,30) Borough of Queens CD2 be and is hereby approved, subject of the following conditions:

1. The Zoning Lot shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on drawings submitted with this application by the architects for the Development, Skidmore Owings and Merrill dated as follows and made a part hereof:

<u>Attachment No.</u>	<u>Drawing No.</u>	<u>Title</u>	<u>Scale</u>
2	Z-8 3/7/86	Site Plan	N/A
3	Z-3 3/7/86	Zoning Computations revised 3/15/86	N/A
4	Z-4 3/7/86	North Elevation (height and setback) revised 7/7/86	1/32" = 1'

<u>Attachment No.</u>	<u>Drawing No.</u>	<u>Title</u>	<u>Scale</u>
4 (cont'd)			
	Z-5 3/7/86	South Elevation (height and setback) revised 7/7/86	1/32" = 1'
	Z-6 3/7/86	East and West Elevations (height and setback) revised 7/7/86	1/32" = 1'
	Z-7 3/7/86	Northeast Elevation (height and setback)	1/32" = 1'
	Z-9 3/7/86	Cellar Floor Plan revised 7/7/86	1/16" = 1'
	Z-10 3/7/86	Ground Floor Plan revised 7/7/86	1/16" = 1'
	Z-12 3/7/86	Low Rise Building Second Floor Plan/Tower Upper Lobby Plan revised 3/15/86	1/16" = 1'
	Z-13 3/7/86	Low Rise Building Third Floor Plan/ Tower Mechanical Floor A	1/16" = 1'
	Z-14 3/7/86	Low Rise Building Fourth Floor Plan	1/16" = 1"
	Z-15 3/7/86	Low Rise Building Fifth Floor Plan/ Tower Second Floor Plan revised 7/7/86	1/16" = 1'
	Z-15A 3/7/86	Low Rise Building Sixth Floor Mechanical Room Plan revised 7/7/86	1/16" = 1'
	Z-16 3/7/86	Tower Floor Plans Floors 3-15	1/16" = 1'
	Z-17 3/7/86	Tower Floor Plans Floors 16-25	1/16" = 1'
	Z-18 3/7/86	Tower Floor Plans Floors 26-35	1/16" = 1'
	Z-19 3/7/86	Tower Floor Plans Floors 36-42	1/16" = 1'
	Z-20 3/7/86	Tower Floor Plans Floor 43/Mechanical Level B	1/16" = 1'

2. The proposed project shall conform to all applicable provisions of the Zoning Resolution, except for the modifications herein granted and shown on the plans approved with the application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. The proposed project shall conform with all applicable laws and regulations relating to construction, operation and maintenance.

4. In the event that any portion of the Zoning Lot is developed as, sold, or converted to a cooperative or condominium ownership, a copy of this Resolution, the Restrictive Declaration, the Subway Agreement and any subsequent modification of the terms of any of those documents shall be provided in full to the Attorney General of the State of New York with the offering documents at the time of application for approval of any such cooperative or condominium offering plan and, in the event the Attorney General so directs, shall be incorporated in whole or in part in the Offering Plan for such cooperative or condominium.
5. The applicant for the proposed project shall comply with the following conditions to mitigate adverse environmental impacts disclosed in the FEIS:
 - a. The applicant shall provide replacement double glazed windows and forced air ventilation units for the side walls of the buildings as outlined in the FEIS to mitigate a noise impact identified at 45th Avenue east of 23rd Street and west of Jackson Avenue affecting the side walls of residential buildings;
 - b. The applicant shall undertake seismic monitoring during construction, and adhere to all requirements of the Landmarks Preservation Commission to prevent potential impacts to offset a potential risk of damage to historic structures in the Hunters Point Historic District; and
 - c. The applicant shall clean the existing catch basins along the property even though on site stormwater retention instituted by construction of the project will reduce existing stormwater sewage problems.
6. The designed and constructed mandated subway improvement shall be in substantial conformity with drawings submitted with this application and maintained by the applicant in accordance with a subway agreement entered into between the applicant and the New York City Transit Authority. The Agreement shall be recorded against the Zoning Lot in

a facility would be required. Because Landmarks approval of the jailhouse site is pending and the site cannot be assured for parking, alternatives 2 and 3 were developed.

Alternative 2 provides for interim parking for a minimum of 723 cars with 215 parking spaces of attended parking on the north, Phase II site, and 508 parking spaces of attended parking on the Terra Cotta site located on the East River, south of the Queensboro Bridge, west of Vernon Boulevard and north of 43rd Avenue. Both sites are owned by the applicant and would provide interim parking to serve the need generated by the development, the existing parking needs of local residents and workers, as well as, cushioning the displacement caused by closing the parking lot on the applicant's site. If the north site is developed, those parking spaces must be replaced in a way that mitigates the impacts of Phase I development.

The Commission conceives of this alternative as an interim one due to anticipation of north site development and the undesirability of parking as a permanent land use on the waterfront Terra Cotta site.

Alternative 3 indicates that parking provisions will be made for a minimum of 723 cars on an as yet unidentified site that mitigates the impact of Phase I and Phase II development.

After issuance of the Temporary Certificate of Occupancy for north site development those spaces which are not mitigation for Phase I would be used toward meeting the mitigation requirement for Phase II. No Temporary Certificate of Occupancy for this project shall be issued until one of the three alternatives is open and available to the public.

In its consideration of the parking needs of local residents and workers, the Commission has requested the Department of Transportation to review programs that manage the use of on-street parking and garage spaces. In response, DOT has indicated it had already applied for a grant from Exxon Corporation to study the feasibility of establishing residential on-street permit parking in New York City. DOT has indicated that the Long Island City, Hunters Point area meets the criteria for such a study area and would be considered for a pilot program. The Commission believes that local workers as well as residential users should be part of any such program given the mixed use character of the area. Due to its own interest in the opportunities offered to local residents and workers by on-street permit parking, the Department of Transportation has already begun to investigate the issues

involved in implementation of such a program and has indicated its willingness to continue exploring this program.

Another program, which provides longer term (perhaps 6 to 8 hour) on-street parking meters, will also be explored by DOT as a means of providing on-street spaces for use by local residents and workers.

The Commission understands that a municipal garage serves users on a first come, first serve basis. Under this scenario, park and ride commuters could make use of the 800 space garage along with Citicorp workers and tenants or local workers and residents. The proposed Court Square Sub-district signals the end of Long Island City as a growing resource for parking for commuters who drive and continue to the Manhattan CBD by subway. In fact, it will now be its own area of high density office development outside of Manhattan. The Commission has, therefore, asked the Department of Transportation to explore the management techniques that include, but are not limited to, pricing policies, meter lengths and permits that would discourage commuters from pre-empting spaces in a garage. A mix of policies and techniques used by DOT in municipal garages throughout the city indicate that management practices can successfully provide spaces for different user needs. The Department of Transportation has indicated its willingness to explore available techniques which could be put into practice in the proposed garage.

The Commission will have an opportunity to review these techniques during the Uniform Land Use Review Procedure which will be necessary for site selection and special permit for any of the parking lots or garages required by the three alternatives discussed herein.

The Commission understands that the 369 spaces of the 723 provided in Phase I for residents, workers and those displaced by closing the parking lot on the applicant's site are spaces that, in the long run, are to be provided as a part of the spaces necessary as mitigation for Phase II development. Should Phase II development not proceed as anticipated, over time, spaces beyond those required for Phase I mitigation might be accommodated on street due to the implementation of some or all of the techniques to be explored by the New York City Department of Transportation.

the Office of the Registrar of the City of New York (County of Queens). The Subway Agreement, plans and specifications, shall include among other matters, the conditions to be observed by the applicant during construction, complete drawings of the improvement, the conveyance of a permanent easement in favor of the Transit Authority, the terms upon which the applicant, its successors or assigns must construct and maintain the improvement, a construction schedule, and provision for a satisfactory performance bond or letter of credit for completion of the improvement. Finally, the Subway Agreement shall be executed in a form satisfactory to the New York City Transit Authority and the Chairman of the City Planning Commission, prior to granting of the special permits by the City Planning Commission.

7. No Temporary Certificate of Occupancy for the development shall be applied for, issued or accepted until the subway improvement shall be substantially complete and usable by the public as determined by the Transit Authority.
8. No Permanent Certificate of Occupancy for the development shall be applied for, issued or accepted until the subway improvement is 100 percent complete in accordance with the approved plans and such completion certified by the Transit Authority.
9. Public parking provisions in conjunction with the operational mitigation measures identified in the FEIS shall be made for a minimum of 723 to 800 cars. One of the following three parking alternatives shall be chosen:
 - a) Alternative 1 - A permanent public parking garage which shall include approximately 800 cars on the jailhouse site. This parking alternative shall be mitigation for air quality impacts for both Phase I and II morning peak hour impacts of the proposed Court Square Sub-district.
 - b) Alternative 2 - Interim parking provisions shall include a minimum of 723 parking spaces; 215 attended parking spaces shall be located on the North site, 508 attended parking

spaces shall be located on the Terra Cotta site. If at any time any of the parking spaces on the North site are eliminated, alternate parking provisions shall be made which would also mitigate Phase I air quality impacts during the morning peak hour.

- c) Alternative 3 - Parking provisions shall be made for a minimum of 723 cars on an unidentified site which would mitigate Phase I and Phase II air quality impacts.

No Temporary Certificate of Occupancy shall be applied for, issued or accepted, nor shall any portion of the proposed development which is a subject of this special permit be used or occupied until either one of the three (3) parking alternatives is chosen, completed, operable and usable by the public.

10. The applicant shall provide \$63,000 as a lump sum grant to be deposited in either an account established at Citibank or a bank already participating in the Home Improvement Program administered by the New York City Department of Housing Preservation and Development. The applicant shall submit a letter to the Chairman of the City Planning Commission evidencing its intent to provide said monies and, the mechanism and date for implementation prior to approval of the project by the Board of Estimate.
11. The applicant shall provide a lump sum payment to the City of New York, or similar funding source acceptable to the City of New York, such that the annual payments generated shall be sufficient to provide the annual maintenance for the redesigned and reconstructed improvements to the open spaces at Rafferty Square, the Jackson and Thomson Avenues (Q-267A) traffic channelization, and Court Square Park (Albert Short Square). The amount of this annual obligation

shall be determined by the Public Development Corporation in conjunction with the Department of Parks and Recreation. The administration of this fund and the annual maintenance obligation will be under the jurisdiction of the Department of Parks and Recreation. The agreement between the parties shall be executed prior to the granting of the special permit by the Board of Estimate.

12. The applicant shall provide maintenance for the Jerome Gleason channelization which is part of the proposed development site.
13. This resolution shall be effective only if the Restrictive Declaration submitted and signed by the applicant shall have been recorded and filed with the City Registrar in the County of New York. Compliance with the Restrictive Declaration signed by the applicant is hereby made a condition of the special permits.
14. Upon the failure of any party having any right, title or interest in the Zoning Lot or the failure of any heir, successor, or assign of such party to observe any of the covenants, restrictions, agreements, terms or conditions of this Resolution, the City Planning Commission, may, without the consent of any other party, revoke any portion or all of these special permits, and such power of revocation shall be in addition to and not in limitation of any other powers of the City Planning Commission, of any other agency of government, or of any private person or body.

The above resolution duly adopted by the City Planning Commission on July 9, 1986 (Calendar No. 76) is herewith filed with the Secretary of the Board of Estimate, together with a copy of the application and plans of the development pursuant to Sections 74-72 of the Zoning Resolution and in accordance with the requirements of Section 197-c of the Charter.

HERBERT STURZ, Chairman
MAX BOND, JOHN P. GULINO,
DENISE M. SCHEINBERG, Commissioners