

Amendments pursuant to Section 200 of the New York City Charter for an amendment to the Zoning Resolution, relating to Article XI, Chapter VIII Special Hunters Point Mixed Use District

INTRODUCTION

The proposed amendments to the Zoning Resolution establish a Court Square Sub-district within the Special Hunters Point Mixed-Use District on three blocks bounded by 44th Road, Crescent Street, Hunter Street, 44th Drive, Jackson Avenue, 45th Road, and 23rd Street. The Commission is also concurrently considering a zoning map change (860682(A) ZMQ) and a Special Permit for waiver of height and setback regulations for the Citicorp project (860429 ZSQ). The issues raised by these related actions are discussed in greater detail in the special permit report.

Background

The goal of many of the Commission's recent actions has been to encourage development in the boroughs other than Manhattan where the infrastructure makes such development appropriate. The Commission has long sought to encourage private involvement in the improvement of the subway system through floor area bonuses for significant subway improvements in the Manhattan CBD's and in commercial zones of 10 FAR and higher in Manhattan. The proposed text amendment seeks to extend the benefits of increased development with significant improvement to the infrastructure on an as-of-right basis to Queens, and to create a new high density area for Queens.

Highlights of the Proposed Sub-districts

The creation of the new Court Square Sub-district would increase the allowable floor area from 2 FAR to 15 FAR for commercial development. As a condition of development in the new district, certain mandatory subway improvements and pedestrian circulation improvements would have to be built by the developer of the zoning lot to which they apply. The conditions are summarized below.

Pedestrian Circulation Improvements

Developments or enlargements on lots at least 15,000 square feet in area and which have at least 50,000 square feet of floor area or enlargements of any size that have 200,000 square feet of floor area, must provide a minimum amount of pedestrian circulation space. For smaller lots in the range of 15,000 to 40,000 square feet of lot area, the rate of required pedestrian circulation space shall be one square foot per 350 square feet of floor area; for larger lots, 40,000 square feet and above, one square foot per 300 square feet of floor area shall be required.

The required space may be a sidewalk widening, corner circulation space, building entrance recess area or subway stair relocation.

Subway Improvements

For each block in the Sub-district (designated Block 1, "the northern block"; Block 2, "the middle block"; and Block 3, "the southern block") certain mandatory subway improvements would be required. Lots of 10,000 square feet or larger and built with 70,000 square feet or more of floor area are required to complete the subway improvement designated for the block on which they are located.

For the middle block, the required subway improvement is a connection between the E, F and G lines, and plans for a G/7 connection to the level of 30% completion, as verified by the Transit Authority. The improvement as proposed by the developer of the middle block would involve construction of an underground passageway linking the existing mezzanines of the E, F Ely Avenue Station to the G Court Square Station. The connection would provide new widened entrances, a token booth and turnstile to the E, F mezzanine, and a covered entrance to the G mezzanine, as well as providing an opportunity for a free transfer between the two lines and direct off-street entrance to the proposed development.

Plans to a level of 30% completion, as verified by the Transit Authority, for the connection of the G and #7 lines are required of the middle block developer to assure that a direct link and resultant free transfer between the three subway lines is feasible.

For the northern block, the required improvement is a connection between the G and #7 lines. This would involve construction of an off-site connection

of the elevated #7 line to a currently inactive portion of the G line mezzanine at the southern block. This connection would provide the means for a free transfer between #7 and G lines and connect to the E, F line through the pedestrian passageway built in conjunction with the middle block development. These improvements are tied to the northern block because its potential for 1,200,000 square feet of new floor area would require extensive infrastructure improvements to relieve pressure on the transit system that the additional floor area would create.

For the southern block, the subway improvement would consist of construction of a building entrance within the lot line at the northeastern corner of the block, a direct link to the #7 platform, and construction of a new mezzanine area, and/or an improvement to consist of the substantial physical improvement of the G platform and mezzanine areas, including reconfiguration of the control areas and acoustical upgrading. A development or enlargement of at least 300,000 square feet of floor area or on a zoning lot of at least 30,000 square feet would be required to provide all the improvements designated for the block.

The procedures for approval of mandatory subway improvements follow the same basic steps as the procedures for approving bonusable subway improvements currently in place in the Zoning Resolution.

After review and agreement on the design by the MTA, NYCTA and CPC the Transit Authority must submit a letter giving conceptual approval to the design. Prior to certification by the Chairman of the City Planning Commission, that the proposed development meets the district requirements, the Transit Authority must submit a letter to the Chairman stating that the drawings are sufficiently detailed to fix and describe the character of the improvement, that the construction of the improvement is feasible, and that a maintenance plan has been agreed upon. In the case of an improvement which consists of the preparation of drawings, the Transit Authority must also provide a letter to the Chairman of the City Planning Commission giving conceptual approval and stating that the drawings have been brought to a level of 30% completion.

Prior to the granting of a temporary certificate of occupancy, the improvement shall be substantially complete, that is, usable by the public.

Prior to the granting of a permanent certificate of occupancy, the improvement must be 100% complete.

The subway improvement regulations also include provision for relocation of sidewalk entrance adjacent to developing zoning lots containing 5,000 square feet or more of lot area.

Bulk Regulations

In addition to the controls set by the underlying zoning district, the following height controls shall also apply: no development or enlargement shall be constructed above a height of eighty-five feet for sixty feet from the street line of 23rd Street. On Block 3, for a distance of seventy-five feet from the street line of 45th Road, only the underlying C5-3 district height and setback requirements shall apply.

Damage or Destruction

In case of damage or destruction, existing residential uses may be repaired, or incidentally altered.

ENVIRONMENTAL REVIEW

This application, together with the related zoning map change application and related special permit 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 identified and discussed in the concurrent report relating to the special permit for height and setback modification for the proposed middle block development (C860429 ZSQ).

Public Review and Hearing Process

The proposed text amendment was submitted to Community Board 2 in conjunction with the related zoning map change and special permit. The

Community Board's recommendation is discussed in detail in the related special permit report. On May 14, 1986 (Calendar Nos 23, 24, and 25) the Commission scheduled a public hearing on the proposed amendment, to the Zoning Resolution, amendment to the zoning map, and grant of a special permit. The public hearing was held on June 4, 1986 (Calendar Nos. 28,29,30). A summary of the testimony at the public hearing is set forth in the concurrent report relating to the special permit (C860429 ZSQ).

Consideration

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 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 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 Sub-district limit the C5-3 designation to uses which are deemed appropriate to a central business 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 sub-district and its resultant development by providing mandatory subway improvements, pedestrian circulation improvements and urban design controls in the

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 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 sub-district lists the mandatory lot improvements relating to subway in Appendix B of the Special Hunters Point 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 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 was received from the Metropolitan Transportation Authority on February 21, 1986.

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 received on July _____, 1986 indicated the desirability of the proposed subway improvement.

The applicant has agreed to maintain the on and off site portion of the EF/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 agreement dated _____.

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 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.

The Commission determined that the amendment is appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of the City of New York, effective as of December 15, 1961 and as subsequently amended, is further amended by changes relating to sections concerning the

establishment of a new Court Square Sub-district within the Special Hunters Point Mixed Use District as follows:

Matter in **bold type** is new;
Matter in brackets [], is old, to be deleted;
Matter in *italics* is defined in Section 12-10.

ARTICLE XI—SPECIAL PURPOSE DISTRICTS—CHAPTER 7
SPECIAL HUNTERS POINT MIXED USE DISTRICT

117-00 GENERAL PURPOSES

The *Special Hunters Point Point Mixed Use District* established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

a) To stabilize the *residential* future of a mixed *residential* and industrial area by permitting expansion and new *development* of *residential* and light *manufacturing uses* where adequate environmental standards are assured;
b) To promote the opportunity for people to work in the vicinity of their *residences*;

c) To retain job intensive and stable industries within New York City;

d) To provide an opportunity for the improvements of Hunters Point in a manner consistent with the the objectives of the comprehensive plan for the City of New York; and

e) To promote the most desirable use of land and thus conserve the value of land *buildings* and thereby protect City tax revenues.

117-01 Definitions

The *Special Hunters Point Mixed Use District* is a special purpose district designated by the letters "HP," in which regulations set forth in Article XI, Chapter 7, shall apply. The *Special Hunters Point Mixed Use District* incorporates the provisions of M1-4 and R5 districts, except as otherwise specifically provided.

The Court Square Sub-district of the *Special Hunters Point Mixed Use District*, is established within the *Special Hunters Point Mixed Use District*. Special regulations set forth in Sections 117-60 through 117-66 shall apply to the Court Square Sub-district and shall supplement or supersede the provisions of the *Special Hunters Point Mixed Use District* and the underlying districts. In case of damage or destruction, existing residential uses shall be subject to the provisions of Section 52-531.

117-02 GENERAL PROVISIONS

In harmony with the general purpose and intent of this Resolution with the general purpose of the *Special Hunters Point Mixed Use District* and in accordance with the provisions of this Chapter, the regulations of the *Special Hunters Point Mixed Use District* shall replace and supersede the existing district regulations.

All *residences, community facilities* and Use Group 4B open *uses* shall be subject to all the provisions applicable in R5 District, except as otherwise specifically provided in this Chapter. The special regulations relating to *predominantly built up areas, as defined in Section 12-10 (Definitions), shall apply* to all new *residential developments or enlargements*, except that *front yard requirements* shall be optional.

All *commercial and manufacturing uses* shall be subject to all the provisions applicable to M1-4 Districts, except as otherwise specifically provided in this Chapter.

The *use of any building* may be changed to another *use* listed within the same Use Group, or as provided in Sections 117-13 (Special Permit Provisions for Certain Residential Uses) or 117-32 (Authorization Provisions for Manufacturing or Commercial Uses).

The maximum permissible *floor area ratio* for any *manufacturing, commercial or community facility development* on a *zoning lot* is 2.0 and the maximum permissible *floor area ratio for residential use* is 1.65.

In the case of a *zoning lot* occupied partly by *residential uses* and partly by non-*residential uses*, the maximum *floor area ratio* shall not exceed 2.0.

In any *building*, above the level of the first story ceiling, *residential uses* shall not be located on the same *story* as or below *manufacturing or commercial uses*.

Zoning lots adjacent to the *Special Hunters Point Mixed Use District* shall not be subject to the provisions of Section 42-214 (Special provisions applying along district boundaries), Section 42-214 (In M2 or M3 Districts), Section 42-42 (Enclosure or Screening of Storage), Section 42-44 (Limitations on Business Entrances, Show Windows or Signs), Section 42-54 (Special Provisions Applying Along District Boundaries), Section 43-30 or (Special Provisions Applying Along District Boundaries), or Section 44-583 (Restrictions on Location of Berths Near Residence Districts).

Special regulations for *residential uses* are listed in Section 117-10, 117-11, 117-12, and 117-13 of this Chapter.

Special regulations for *community facility uses* are listed in Sections 117-20 and 117-21 of this Chapter.

Special regulations for *manufacturing and commercial uses* are listed in Sections 117-30, 117-31, 117-32 and 117-33 of this Chapter.

Special regulations for *buildings* containing both *residential and commercial uses* are listed in Section 117-40 of this Chapter.

For the purposes of this Chapter, all lawful principal *uses* in enclosed *buildings* which exist on the effective date of this Chapter shall be considered conforming. Such *uses* may enlarge or expand as-of-right as provided in this Chapter.



117-53 Action by the Board of Estimate

The Resolution of approval by the City Planning Commission of a special permit, together with a copy of the application for a grant of special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Sections 197-c and 200 of the New York City Charter.

[—be and the same is hereby modified by the deletion of Section 117-52. Relationship to Public Improvement Projects.]

117-60 Court Square Sub-District

117-601 General Provisions

The regulations governing *developments, enlargements, extensions or changes of use* within the Court Square Sub-district are contained within Sections 117-60 through 117-66. These regulations supplement or supersede the provisions of Sections 117-01 through 117-50 of the *Special Hunters Point Mixed Use District*

and the underlying districts. Except as modified by the express provisions of Sections 117-60 through 117-66, the regulations of the underlying districts remain in effect.

Mandatory pedestrian circulation and subway improvements are those elements of the Sub-district plan which shall be built by the developer of the *zoning lot* to which they apply.

For the purpose of the mandatory pedestrian circulation and subway improvements in the Sub-district, the *floor area* of the *development* or *enlargement* shall be the total amount of *floor area* resulting from *developments* or *enlargements* after (the effective date of this amendment).

For the purposes of the mandatory pedestrian circulation and subway improvements in the Sub-district, 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*.

117-61 Sub-district Plan

The Sub-district plan for the Court Square Sub-district identifies the improvements to be provided in the district under the provisions of this chapter. The elements of the Sub-district plan are set forth in the following appendices, which are incorporated into the provisions of this chapter.

(a) Sub-district plan (Appendix A)

(b) Description of improvements (Appendix B)

117-62 Special Use Regulations

In the Court Square Sub-district, permitted *uses* shall be limited to the following:

Colleges or universities, except dormitories, fraternities or sororities

Libraries, museums or non-commercial art galleries

All uses listed in Use Group 4 except:

Monasteries, convents or novitiates

Non-profit hospital staff dwellings

Use Group 5

All uses listed in Use Group 6 except:

Electric or gas utility sub-stations

Public utility stations

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings

Water or sewage pumping stations

Use Group 9

Use Group 10

Use Group 11

117-63 Mandatory Circulation Improvement

All *developments* or *enlargements* on *zoning lots* of at least 15,000 square feet which 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 in square feet</u>	<u>Minimum area of pedestrian circulation space</u>
15,000 to 40,000	1 square foot per 350 feet of total <i>floor area</i>
Above 40,000	1 square foot per 300 feet of total <i>floor area</i>

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

Such pedestrian circulation space shall meet the requirements set forth in Section 117-631 (Design standards for pedestrian circulation spaces). A sidewalk widening shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS).

No sidewalk widenings or corner circulation spaces shall be permitted along 23rd Street within the Court Square Sub-district.

117-631 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* which 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 which 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's 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.

117-64 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 shown in Appendices A and B.

In addition, on Block 3 any *development or enlargement* containing at least 300,000 square feet of total 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.

117-641 Standards and procedures for mandatory subway improvements

(a) Compliance with Transit Authority Design Standards. The subway station improvement shall comply with all applicable design standards of the New York City Transit Authority's "Station Planning Guidelines," Revised, 1975 and as may be subsequently revised.

(b) Procedure

1. Pre-application

The applicant shall submit schematic or concept plans for the proposed improvements to the Metropolitan Transportation Authority, the Transit Authority and the Chairman of the Planning Commission.

2. Application Pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and Chairman of the City Planning Commission, the applicant shall submit necessary documentation in conformance with the New York City Transit Authority's "Guidelines for Submission and Approval of Outside Projects." and the Transit Authority shall provide a letter to the Chairman containing conceptual approval of the improvement and any special

considerations regarding the Transit Authority's future operation of the improvement.

3. Prior to the granting of certification by the Chairman of the City Planning

Commission pursuant to Section 117-66 (Developer's Notice),

the Transit Authority shall have submitted a letter to the Chairman of the City Planning Commission:

(i) stating that drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate; and

(ii) confirming that the construction of the subway improvement in accordance with such submission is feasible, and

(iii) confirming that a plan for the continuing maintenance of the subway improvement has been agreed upon.

4. Any instrument creating a transit easement on the zoning lot shall be recorded against the *zoning lot* in the Office of the Register of the City of New York for the borough of Queens and a certified copy of the instrument shall be submitted to the Chairman of the City Planning Commission and the Transit Authority.

5. Where the mandatory subway improvement includes the preparation of drawings such drawings, including but not limited to plans, sections, elevations, three-dimensional projections and other drawings deemed necessary or relevant by the Chairman of the City Planning Commission or the Transit Authority, shall be in conformance with the Transit Authority's "Guidelines for Submission and approval of Outside Projects." Prior to approval by the Chairman of the City Planning Commission, the Transit Authority shall provide a letter to the Chairman of the Commission containing conceptual approval of the improvements as indicated in the drawings, and a statement to the effect that the drawings have been brought to the level of 30% completion.

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 of a subway stair), with the exception that, in addition to the waivers provided by Section 37-035, the additional standards contained in Section 37-032 (Standards for location, design and hours of public accessibility) may be waived upon a finding by the Director of Planning of the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.

7. Prior to obtaining a Temporary Certificate of Occupancy for the *development* or *enlargement*, the subway improvement shall be substantially complete, which

shall, for this purpose, mean usable by the public, as determined by the Transit Authority.

8. Prior to obtaining a Permanent Certificate of Occupancy, the subway improvement must be 100% complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

117-65 Special Regulations within the Court Square Sub-district

117-651 Bulk Regulations

a) Within the Court Square Sub-district, the following provisions affecting commercial districts shall not apply: Section 33-14 (Floor Area Bonus for Urban Open Space); Section 33-15 (Floor Area Bonus for Arcades); Section 33-26 (Minimum Required Rear Yards).

b) No *development* or *enlargement* shall be constructed above a height of eighty-five feet for a distance of sixty feet from the *street line* of 23rd Street. On Block 3, for a distance of seventy-five feet from the *street line* of 45th Road, only the underlying height and setback requirements of C5-3 districts shall apply. In addition, a *sky exposure plane* of 5.6 to 1 shall be in effect beginning at the height of eighty-five feet at the *street line* of 23rd Street.

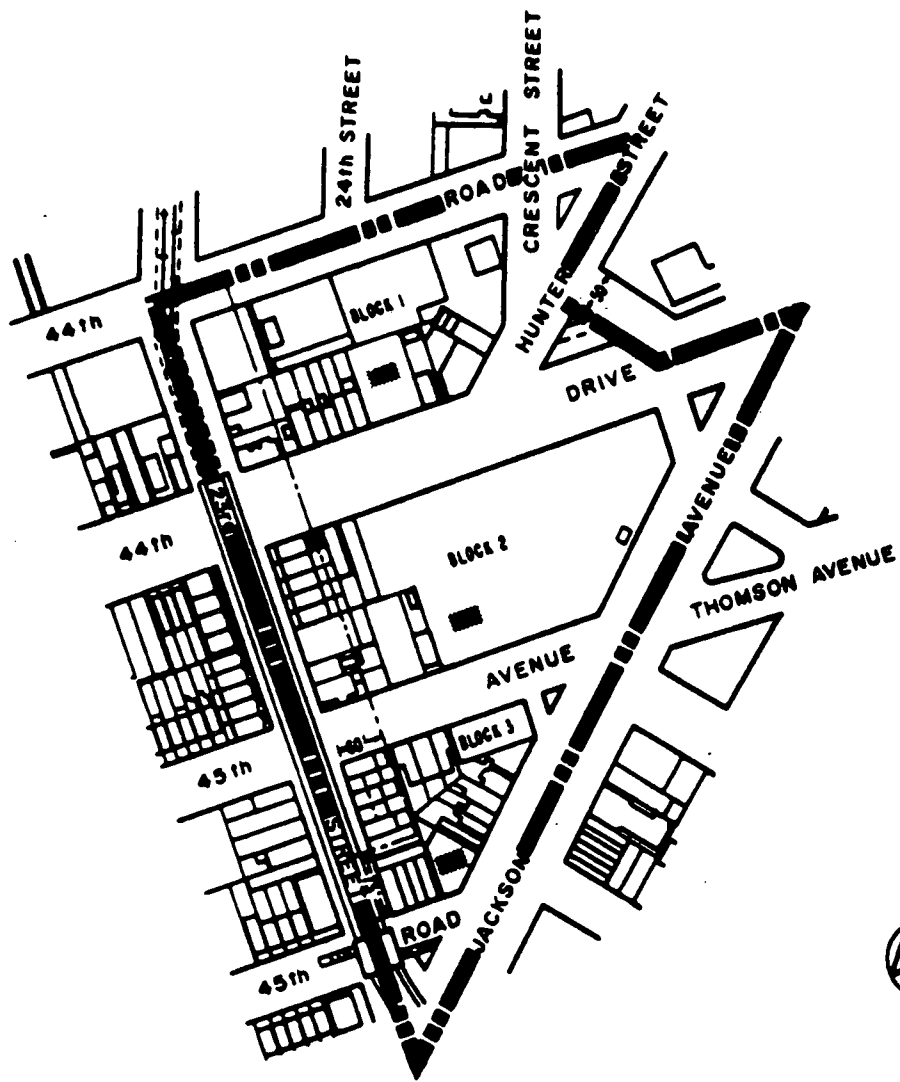
117-66 Developer's Notice

As a condition to the 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,

(a) the developer shall have submitted to the Chairman of the City Planning Commission

(i) written notice of its intention to *develop* or *enlarge* on a *zoning lot* in the Court Square Sub-district, the *floor area* of such *development* or *enlargement*, and the mandatory subway improvements which the developer shall construct, (ii) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairman of the City Planning Commission for the mandatory subway improvements within the designated *zoning lot*, (iii) waivers, consents, agreements, or other legal instruments obligating the developer, its heirs and devisees, successors and assigns, to develop its property in accordance with the Sub-district plan and the provisions of this chapter.

(b) within 90 days of such submission by the developer the Chairman of the City Planning Commission shall certify to the Department of Buildings and the developer receipt of the aforesaid documents and the developer's compliance, or non-compliance, with the requirements of the Sub-district plan.



APPENDIX A COURT SQUARE SUB-DISTRICT PLAN

- URBAN DESIGN REGULATIONS
- MANDATORY SUBWAY IMPROVEMENTS
- DISTRICT BOUNDARY

Appendix B

Description of Improvements

This appendix lists the mandatory lot improvements which are designated on the district plan (Appendix A) for the Court Square Sub-district. The appendix refers to the text for requirements and standards for the following improvements.

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.

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