

**Block 3 / Courthouse Square Subway Improvement and Text Amendment
23-10 – 23-16 45th Avenue and 45-03 – 45-09 23rd Street
August 8, 2018**

1. Introduction

Court Square 45th Ave LLC (the "Applicant"), the owner of the properties located at 23-10 – 23-16 45th Avenue and 45-03 – 45-09 23rd Street (Queens Tax Block 80, Lots 5, 6, 7, 9, 10, 11, and 12) (the "Development Site"), located on Block 3 ("Block 3" – the "Project Area") of the Court Square Subdistrict (the "CS Subdistrict") in the Special Long Island City Mixed Use District (the "Special District") seeks (i) a Certification (the "Certification") from the Chair of the City Planning Commission to the Department of Buildings pursuant to Section 117-45 of the New York City Zoning Resolution ("Zoning Resolution" or "ZR") that the proposed subway improvements (the "Subway Improvements") to the 45th Road-Courthouse Square Station comply with the requirements of the Court Square Subdistrict Plan, and (ii) an amendment (the "Amendment") to Sections 117-421(c)(1) and (2) and Appendix B of Article XI, Chapter 7 of the ZR, which would facilitate a 45-story mixed-use building with approximately 256,198 square feet ("SF") of floor area on the Development Site, with ground floor retail use, office uses on the second through eighth floors, and residential use above (the "Proposed Building"). The Certification for the Subway Improvements would allow the Proposed Building to be built to 15 FAR, which requires conceptual approval from the New York City Transit Authority, described in detail in the Developer's Notice accompanying this application. The Amendment would allow a more efficient floor plate for the Proposed Building, which could be built to 70 stories under the current regulations.

2. Background

The existing C5-3 zoning district on the Development Site was enacted in 1986 when its block and the two blocks to the north, Tax Blocks 437 and 79 (designated Blocks 1 and 2, respectively), were rezoned from their prior M3-1 district (860682(a) ZMQ) and were established as the CS Subdistrict of the then-Special Hunters Point Mixed-Use District (860683 ZRQ). These actions facilitated the development of Citicorp's approximately 1.25 million square foot office building on Tax Block 79, one block north of the Development Site, and similarly scaled development on the other two blocks. Now known as the Citi Tower, Citicorp was also built with the benefit of a special permit (860429 ZSQ) that waived the applicable height and setback requirements. The creation of the CS Subdistrict increased the allowable floor area from 2 FAR to 15 FAR, provided that for developments meeting minimum lot and floor area size thresholds, certain mandatory subway improvements and pedestrian circulation improvements were built by the developer of the zoning lot to which they apply, set forth in Appendix B of the Special District's regulations. The Commission's purpose was 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." These three tax blocks

were included as part of the Special District when it was created in 2001; the CS Subdistrict was not changed.

In 2005, the Commission issued a subway improvement certification to facilitate the development of 2 Court Square on Block 1 (N 060246 ZCQ); an application for a certification with respect to a development on the remainder of Block 1 was filed in May 2017 (N 170415 ZCQ).

In 2009, the Commission issued a certification with respect to proposed subway improvements so Lot 4 on Block 80, immediately adjacent to the Development Site on its south (the "Toyoko Site") (N 100062 ZCQ) could be built to 15 FAR, facilitating a hotel with approximately 171,000 SF of floor area. The improvements, required pursuant to Section (c)(1) of Appendix B, consist of two entrances at the platform level of the north end of the 45th Road/Courthouse Square station on the Number 7 line and four new stairs, one at each corner of the intersection of 44th Drive and 23rd Street. This certification was issued after the Commission modified certain provisions of the Special District earlier in 2009, including the subway improvement requirements applicable to Block 3 and the streetwall and setback regulations as applicable to the Toyoko Site (N 090304 ZRQ).

Other recent land use actions within 600 feet of the Project Area include a 2013 grant of a special permit (C 130191 ZSQ) for 22-44 Jackson Avenue, on a block south of the Project Area, pursuant to Section 117-56 (Special Permit for Bulk Modifications on Block 86/72 and 403) to permit an increase in the allowed FAR up to a maximum of 8.0 and modify the street wall location and setback provisions, to facilitate a mixed-use development containing approximately 1,000 housing units, 50,000 SF of retail space, 2,200 SF of artists' studios, approximately 32,100 SF of public open areas, and a 250-space public parking garage on Block 86/72.

The Applicant acquired the seven lots which comprise the Development Site between July 2016 and March 2017.

3. Description of the Surrounding Area

The Project Area is located in the Long Island City neighborhood of Queens, Community Board 2. The surrounding area is characterized by a mix of residential, commercial, light-industrial, and public/private institutional uses. A variety of mid and high-rise developments are present or under construction in the immediate vicinity: plans have been filed for a 50-story hotel on the Toyoko Site, adjacent to the Development Site. Approximately three blocks to the east, residential buildings under construction on Block 267 along Purves Street will include approximate heights of 209 and 308 feet. A 12-story residential building, constructed in 2007, is located at the Jackson Avenue/Purves Street intersection. A new 498-foot residential development is under construction on Block 433 at the Jackson Avenue/44th Drive intersection, approximately two blocks east of the Project Area. To the northeast of the Project Area, a new 26-story, 427 foot commercial development is under construction at 28-07 Jackson Avenue. Additionally, a new universal Pre-K facility is currently under construction at 27-35 Jackson Avenue.

The Project Area is adjacent to subway station entrances at Jackson Avenue/23rd Street and Jackson Avenue/45th Avenue, providing access to the E, M, G and 7 trains at the Court Square Station. It is approximately a half mile from the Queens Plaza Station to the northeast, serviced by the E, M and R trains. Local bus lines in the area include the B62 and Q67, which run along Jackson Avenue.

Jackson Avenue, which borders Block 3 on the south, is a main thoroughfare in the neighborhood, running northeast to Queens Plaza and southwest to the Pulaski Bridge. Jackson Avenue features a planted median and a City-commissioned public art piece at the 43rd Avenue intersection. 23rd Street, which borders the Project Area on its west, runs northeast from Jackson Avenue, crossing below elevated approaches to the Ed Koch Queensboro Bridge and continuing into Dutch Kills/Ravenswood. The portion of 23rd Street from Jackson Avenue to Queens Plaza South also contains the elevated tracks for the 7-train, directly adjacent to the western frontages of the Development Site. 45th Avenue, bordering the Development Site to its north, runs east from the Long Island City waterfront and Anable Basin and terminates at Jackson Avenue.

The Special District is mapped on blocks in the Hunter's Point and Dutch Kills neighborhoods, generally bounded by 5th, 11th, 23rd and 21st Streets on the west, 44th Drive and 37th Avenue on the north, the Sunnyside Yards on the east and Borden Avenue on the south. The Special District was established in 2001 to facilitate commercial development at increased densities and allow new residences to mix with commercial and light industrial businesses. The goal of creating the Special District was to foster reinvestment and redevelopment that takes advantage of Long Island City's excellent mass transit access and its supply of large, underdeveloped properties.

Within the Special District, four subdistricts were created—the Hunters Point Subdistrict, the Queens Plaza Subdistrict, the Dutch Kills Subdistrict and the CS Subdistrict—each with special use, bulk and urban design controls, to ensure that development occurs at a scale in keeping with the unique characteristics of each subdistrict. The Development Site's CS Subdistrict comprises the three blocks bounded by 44th Road, 23rd Street, Jackson Avenue and Hunter Street.

The Project Area is located in a C5-3 zoning district, a restricted central commercial district intended for offices and a variety of regional retail uses, as well as community facility and residential uses, with certain retail uses prohibited on the ground floor within 50 feet of the street wall. Tower development is permitted, as discussed further in the subsequent sections. In the CS Subdistrict, the provisions of the underlying C5-3 zoning district are modified to require subway improvements for developments containing at least 70,000 SF of floor area on a zoning lot of at least 10,000 SF. Developments meeting such floor area and zoning lot standards and providing the mandatory subway improvements may develop to an FAR of up to 15, all of which could be commercial or community facility use, and of which up to 10 FAR can be residential (which can be increased to 12 FAR through the Inclusionary Housing program). Developments that do not meet these criteria are subject to the bulk provisions of an M1-4/R6B zoning district (ZR 117-421), which allows a maximum FAR of 2.0 for all uses (ZR 123-63, 23-153, 43-12).

Across 23rd Street west of the Project Area is an M1-4/R6B zoning district in the Hunters Point Subdistrict, which allows a maximum FAR of 2.0 (ZR 117-21, 123-63, 23-153, 43-12) and a maximum base height of 40 feet and maximum building height of 50 feet, which can be increased to 45 feet and 55 feet, respectively, with the provision of a qualifying ground floor (ZR 117-21, 123-662, 23-662). The blocks east and south of the Project Area, across Jackson Avenue, are in the Queens Plaza Subdistrict, Area C, within an M1-5/R7-3 district, which allows a maximum FAR of 5.0 for all uses (ZR 117-522) and sets a maximum base height of 100 feet; after set back of 10 feet from a wide street and 15 feet from a narrow street, a building may rise without limit (ZR 117-532).

Consistent with the mixed-use zoning, the immediate vicinity of the Project Area is characterized by a mix of small houses, office buildings, and buildings with a mix of both uses. A privately-owned public space fronts on the Jackson Avenue/44th Drive intersection at the 49-story Citi Tower occupying the directly north-adjacent Tax Block 79. To the south and west of the Project Area across Jackson Avenue are buildings ranging from 1 to 4 stories with various retail uses on the ground floor, such as cafes, restaurants and banks, and apartments and offices on the upper floors. To the west across 23rd Street are 1-2 story buildings, primarily with local retail use on the ground floor.

Institutions in the surrounding area include the New York State Supreme Court, located one block northeast of the Project Area, across Jackson Avenue, designated a landmark by the Landmarks Preservation Commission (“LPC”) in 1976, the PS 1 Contemporary Art Center at 22-43 Jackson Avenue, a block to the southwest, and CUNY Law School at 2 Court Square, two blocks to the north. The closest open spaces or parks are Court Square Park, one block to the northeast, fronting on Jackson Avenue and Thomson Avenue, and McKenna Triangle, on the east end of the Project Area’s block. The only LPC-designated historic district within 600 feet of the Project Area is the Hunters Point Historic District, designated by LPC in 1968, on the block to the northwest. The Project Area and much of the surrounding area is in a “FRESH” area where discretionary tax incentives apply.

4. Description of the Proposed Project Area

The Project Area is Block 3 of the CS Subdistrict of the Special District, in a C5-3 zoning district, bounded by Jackson Avenue (a wide street) to the south and east, 23rd Street (a wide street) to the west, and 45th Avenue (a narrow street) to the north. The Project Area’s land use is primarily residential, with buildings ranging from 2-3 stories. The block consists of 11 privately-owned tax lots: the 7 comprising the Development Site, described in further detail in the section below, and 4 others:

The Development Site would merge zoning lots with (a) Lot 1 (24-29 Jackson Avenue), adjacent to the east of the Development Site, a 5,000 SF rectangular-shaped lot with 100 feet of frontage on 45th Avenue and 50 feet of frontage on Jackson Avenue (McKenna Triangle), and (b) Lot 3 (24-23 Jackson Avenue), adjacent to the east of Lot 1, an approximately 2,085 SF

irregularly-shaped lot with 51.12 feet of frontage on Jackson Avenue. These lots total 7,085 SF and are improved with a 2-3 story commercial building occupied by a bank, containing 17,241 SF of floor area (2.43 FAR). As discussed in the "Proposed Development" section below, Lots 1 and 3 will transfer approximately 89,034 SF of development rights to the Development Site.

Lot 4 (24-19 Jackson Avenue) (the Toyoko Site) adjacent to the south of the Development Site, is an approximately 18,000 SF irregularly-shaped lot with 100 feet of frontage on 23rd Street and 241.66 feet of frontage on 45th Road/Jackson Avenue, currently unimproved but is the site of the proposed 50-story, approximately 270,000 SF Toyoko hotel (15 FAR).

Lot 8 (45-01 23rd Street), adjacent to the northwest of the Development Site, is a 1,300 SF rectangular-shaped corner lot with 20 feet of frontage on 23rd Street and 65 feet of frontage on 45th Avenue, and contains a 2-story plus basement approximately 1,950 SF two-family dwelling, built to approximately 1.5 FAR.

5. Description of the Proposed Development Site

The Development Site consists of seven tax lots (Lots 5, 6, 7, 9, 10, 11 and 12) in Block 80 (Special District Block 3) and known by the addresses 23-10 – 23-16 45th Avenue and 45-03 – 45-09 23rd Street. It is irregularly-shaped, with frontage on both 45th Avenue and 23rd Street, but not the corner, due to the Lot 8 outparcel. It has 75 feet of frontage on 45th Avenue (a 60'-wide "narrow" street), located 100 feet west from the corner of 45th Avenue and Jackson Avenue (McKenna Triangle) and 65 feet east of the corner of 45th Avenue and 23rd Street, with a depth ranging from 93.65 feet to 64.89 feet. It has 80 feet of frontage on 23rd Street (an 80'-wide "wide" street), located 20 feet south of the corner of 45th Avenue and 23rd Street and 100 feet north of the corner of 23rd Street and 45th Road, extending to a maximum depth of 140 feet. The Development Site's total lot area is 11,145 SF. Each of the seven tax lots comprising the Development Site is improved with a 3-story, approximately 30-foot tall, entirely residential building (Use Group 2), each built prior to or around the early 20th Century. These seven buildings contain a total of 20 dwelling units and approximately 19,500 SF of floor area, for a total FAR of approximately 1.75. Each of these buildings, which will be demolished as part of the project, is built to the street line and provides a rear yard, and in the aggregate have a lot coverage of approximately 60% of the Development Site. There is no parking or curb cuts on the Development Site. These seven tax lots will be merged into a single tax lot and will be merged with adjacent Lots 1 and 3 into a single zoning lot to facilitate the Proposed Building.

6. Description of the Proposed Development

The Applicant proposes to develop an approximately 524-foot, 45-story mixed-use building with retail use on the ground floor, office use on floors 2-8 and residential use above, containing approximately 250 dwelling units. It would have approximately 73,906 SF of commercial floor area, 182,292 SF of residential floor area, and 256,198 SF of total floor area.

The Development Site's 11,145 SF would allow 167,175 SF (15 FAR) with the Certification. Adjacent Lots 1 and 3, totaling 7,085 SF, would be merged into the Development Site's zoning lot to form a single zoning lot of approximately of 18,230 SF. Lots 1 and 3 would remain in separate ownership with the existing buildings thereon, and would benefit from the Certification so they would generate 106,275 SF (15 FAR) of development rights. Accounting for the approximately 17,241 SF of commercial floor area used by the buildings on Lots 1 and 3, there would be approximately 89,034 SF available, which the Applicant intends to acquire and would permit the Proposed Building to have 256,198 SF (14.0 FAR), of which 182,292 SF (10 FAR) would be residential, just under the 256,209 SF and 182,300 SF maximum permitted as of right

With the Amendment, the Proposed Building would have a 125-foot, 8-story, street wall with a 20-foot setback on the 23rd Street frontage, and an 85-foot, 6-story, street wall with a 15-foot setback on the 45th Avenue frontage. The Proposed Building's 15-foot high ground floor would cover the entirety of the Development Site and contain retail use, with an entrance on 23rd Street, and a residential lobby on 45th Avenue. Floors 2-5, 13'-9" feet each, and the 15' 6th floor, would contain office use and while no rear yard is required for commercial use (ZR 117-421(b)), it would provide a rear yard totaling approximately 1,000 SF, so they would each have a floor plate of 10,063 SF. At a height of 85 feet, the maximum base height per ZR 117-421(c)(2), the 7th story would set back 15 feet from 45th Avenue (a narrow street), in compliance with the underlying tower regulations of ZR 33-451, applicable per ZR 117-421(c) and 35-64(c), so the floor plates of commercial floors 7 and 8 would be approximately 8,909 SF. At a height of 125 feet, the 9th floor would set back 20 feet from 23rd Street as allowed by the Amendment, which would replace the existing 85-foot height limit applicable within 60 feet of 23rd Street on the Development Site, and would have a floor plate of 6,769 SF. The Amendment would eliminate the applicability of ZR 33-451's limit on the area of a tower within 50 feet of a narrow street to 1,875 SF, so no further setback from 45th Street would be required. Thus, residential floors 10-43 would have floor plates of 6,323 SF and heights of 10'-4" each. The highest residential floor, floor 44, would have a floor plate of 4,035 SF and be 17' high, and the 45th floor would be a mechanical floor, reaching the total building height of 524 feet. The Proposed Building would comply with all other currently applicable tower regulations, which permits a portion of a building on a zoning lot, such as the Development Site's, between 17,501 – 18,500 SF covering no more than 42% of the zoning lot, here 7,650 SF, to penetrate the sky exposure plane (ZR 33-454) (discussed further in the "Proposed Actions" section immediately below).

The residential floors would provide a required rear yard. No rear yard is required by zoning on Lots 9-12 fronting 23rd Street, or on Lot 7 or a portion of Lot 6 (its westernmost 10 feet), since these lots are within 100 feet of a corner (ZR 23-541). For the portion of the Development Site beyond 100 feet from a corner – the interior lot portion of the site – which consists of Lot 5 and a portion of Lot 6, a 30-foot rear yard is required at the lowest story used for dwelling units where such dwelling units have windows facing onto such rear yard (ZR 35-53, 23-47). However, ZR 23-52(b)-(c) states that if an interior lot is less than 90 feet deep at any point, such as Lots 5 and 6, provided such shallow lot condition was in existence on December 15, 1961 and has not subsequently increased or decreased in depth, the depth of the 30-foot required residential rear yard may be reduced by six inches for each foot by which the depth of

the zoning lot or portion thereof is less than 90 feet (to a minimum of 10 feet). Thus, assuming that the depth of the Development Site has not been modified since 1961, which appears to be the case based on historic Tax Maps, the required residential rear yard may be reduced as follows: the average depth of the site on Lot 5 and the interior lot portion of Lot 6 is approximately 72 feet, so the 30-foot required rear yard may be reduced, on average, by approximately 9 feet to 21 feet (i.e., $90 - 72 = 18$; $18 / 2 = 9$). Such 21-foot rear yard is provided on floors 9-45.

The ground floor's retail use would comply with the restrictions applicable in C5 districts for certain uses in Use Groups 6, 9, and 11, whereby such uses are not allowed on the ground floor within 50 feet from the street wall of the building (ZR 32-423). These excluded uses include (but are not limited to) laundry establishments, loan offices, and clothing rental establishments (ZR 32-00). No parking is required in the Long Island City Area (ZR 16-10) and none would be provided; no curb cuts are proposed. Since there would be less than 25,000 SF of retail use and 100,000 SF of office use, no loading berth would be required (ZR 36-62) and none would be provided.

7. Actions Necessary to Facilitate the Project

A. Certification

In the CS Subdistrict, the provisions of the underlying C5-3 zoning district are modified to require Subway Improvements listed in Appendix B of the Special District's regulations, for developments containing at least 70,000 SF of floor area on a zoning lot of at least 10,000 SF. Developments meeting such floor area and zoning lot standards and providing the mandatory Subway Improvements may develop to an FAR of up to 15. Developments that do not meet these criteria are subject to the bulk provisions of an M1-4/R6B zoning district, which allows a maximum FAR of 2 for all uses.

The Development Site's zoning lot is 18,230 SF and the Proposed Building would contain 256,198 SF of floor area, requiring the Subway Improvement. Appendix B of Article XI, Chapter 7 lists two Subway Improvements for the Development Site's Block 3, the first of which is being undertaken in connection with the Toyoko Site's project. Appendix B states that "For subsequent developments or enlargements, a subway improvement to the north end of the Flushing Line [7-Train], 45th Road-Courthouse Square station shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority ("MTA") and the Department of City Planning ("DCP")."

Consequently, the Applicant will construct the mandatory Subway Improvement that was determined in consultation with the MTA and DCP in accordance with Appendix B, consisting of an elevator from the Manhattan-bound E/M platform to the transfer mezzanine with the moving walkway and potentially improvements to the platform to enhance accessibility for the 45th Road-Courthouse Square station, to be further described in the Developer's Notice for the Certification.

Accordingly, the Applicant is seeking a certification by the Chair of the City Planning Commission to the Department of Buildings, pursuant to Zoning Resolution § 117-45(b), that the Applicant has submitted the drawings and documents required by ZR § 117-45 and has complied with the requirements of the Subdistrict Plan for the Subway Improvement, and that as a result, the Applicant may develop the Development Site's zoning lot to a maximum FAR of 15 as-of-right, pursuant to ZR § 117-421.

B. Text Amendments

The Applicant seeks the following amendments to the text of the Zoning Resolution- a copy of the amendments is included with the application materials:

1. Changing the maximum building height on the west side of the Development Site along 23rd Street from 85 feet to a 125-foot maximum base height. ZR 117-421(c)(1) supersedes the underlying C5-3 district height and setback regulations by setting a maximum building height of 85 feet within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and a line 75 feet north of and parallel to 45th Road. This area is shown on a map in Appendix B of Article XI, Chapter 7 of the ZR. The proposed amendment would modify this section and the map in Appendix B to remove Block 3 from such limitations and replace it with a 125-foot maximum base height along 23rd Street (discussed below). This would allow the Proposed Building to rise along 23rd Street to a height of 125 feet before setting back 20 feet, above which height it would comply with the underlying C5-3 district tower regulations (discussed further below).

2. Increasing the maximum base height on the west side of the Development Site along 23rd Street from 85 feet to 125 feet. ZR 117-421(c)(2), which provides that the maximum base height before setback is 85 feet, would be amended so that the maximum base height for portions of buildings on Block 3 fronting 23rd Street would be 125 feet, which would allow the Proposed Building to have the 125-foot street wall height along 23rd Street discussed immediately above.

3. Making the underlying C5-3 district height and setback regulations applicable only above the highest applicable maximum street wall height. Per ZR 117-421(c)(2), on Blocks 1 and 3 in the CS Subdistrict, above a height of 85 feet, the underlying C5-3 district height and setback regulations apply except as modified by this Section. In C5-3 districts, portions of buildings may penetrate the required sky exposure plane (such portion, called a "tower") if the applicable tower regulations are complied with, which begins at a height of 85 feet and rises at 2.7:1 from a narrow street, such as 45th Avenue, and 5.6:1 from a wide street, such as 23rd Street. As the Proposed Building would be a mixed-use building, the form of the tower would be determined by ZR 35-64. Subsection (c) of ZR 35-64 provides that in C5-3 districts, "the tower regulations applicable to any mixed building shall be the regulations set forth in Section 33-45." ZR 33-45 provides that any portion of a building occupying not more than 42% of a zoning lot, such as the Development Site's, between 17,501 – 18,500 SF (i.e., 18,230 SF x 42% = 7,657 SF) (ZR 33-454), may penetrate the required sky exposure plane. The tower may occupy any part of

the zoning lot not less than 15 feet from the street line of a narrow street such as 45th Avenue and not less than 10 feet from the street line of a wide street such as 23rd Street (ZR 117-421(c)(2)), 33-451).

This section would be amended so that such regulations would apply to the Proposed Building only above a height of 125 feet, the highest maximum street wall height applicable to the Proposed Building (per the amendment discussed immediately above). If the underlying regulations applied above 85 feet, then Proposed Building would not comply with (i) the maximum tower lot coverage of 7,657 SF, as its lot coverage on floors 7 and 8 would be 8,909 SF, and (ii) the tower encroachment regulations of ZR 33-451 providing that the aggregate area of the tower within 40 feet of a wide street such as 23rd Street may not be greater than 1,600 SF, since the tower would not setback until 125 feet along 23rd Street, so it would occupy the entire area within 40 feet of 23rd Street, which when multiplied by its 80 feet of frontage would equal 3,200 SF. If the tower regulations applied only above 125 feet, then the tower portion of the Proposed Building would occupy 6,769 SF, less than the 7,650 SF permitted, would providing the required tower setbacks, setting back 20 feet from 23rd Street and 15 feet from 45th Avenue, and accounting for the 20-foot setback from 23rd Street, 20 feet of the tower would be within 40 feet of 23rd Street, which when multiplied by the 80 feet of frontage results in 1,600 SF within 40 feet of 23rd Street, in a complying condition.

4. Making the underlying C5-3 district tower encroachment regulations of ZR 33-451 inapplicable along the Development Site's 45th Avenue frontage. As discussed above, the underlying C5-3 district height and setback regulations would apply above a height of 125 feet, except as modified by ZR 117-421(c)(2). The underlying tower regulations of ZR 33-451 provide that the aggregate area of the tower within 50 feet of a narrow street may not be greater than 1,875 SF. With the 15-foot setback from 45th Avenue, 35 feet would be within 50 feet of the narrow street, which when multiplied by the 75 feet of frontage results in an encroachment of 2,625 SF, a non-complying condition. In order to comply with this requirement, the building would have to set back 25 feet from 45th Avenue (i.e., $1,875 \text{ SF} / 75' = 25'$). The Amendment would add language to ZR 117-421(c)(2) making the provisions of ZR 33-451 inapplicable along Block 3's 45th Avenue frontage, and instead require a 15-foot setback from 45th Avenue above a height of 85 feet, which the Proposed Building would provide.

As shown on the plans accompanying this application, the additional 25-foot setback on 45th Avenue along with the 85-foot height limit within 60 feet of 23rd Street, combined with the irregular shape of the site, would result in tower floor plates of only 3,375 SF. To accommodate the permitted floor area, the building would be built to 70 stories and 716 feet. These small, irregularly shaped floor plates would be highly inefficient, as the building would only be able to accommodate a single-loaded corridor, and one-third of each floor would be core and circulation space. With the Amendment, the tower floor plates would be 6,323 SF, resulting in a building of only 45 stories and 524 feet to accommodate the maximum permitted floor area. These floors would be able to fit a double-loaded corridor and would result in a much more efficient and compact building.

8. Conclusion

The Certification to allow the Development Site's zoning lot to be developed to 15 FAR would be in connection with the implementation of the Subway Improvement, a public benefit that would enhance the 45th Road-Courthouse Square Station by improving accessibility. The Amendment would not increase the bulk permitted on the Development Site, but would instead allow it to be more efficiently distributed, as the Proposed Building would be only 45 stories or 524 feet, rather than the 70-story, 716-foot building that would be constructed without the Amendment. Such a shorter building would be more respectful of the low-rise buildings across 23rd Street, and would provide improved unit layouts for building residents.





Land Use Review Application

Department of City Planning

120 Broadway, 31st Floor, New York, NY 10271

N190036 ZRQ
APPLICATION NUMBER

APPLICATION NUMBER

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

APPLICATION NUMBER

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

Court Square 45th Ave LLC

Jay A. Segal

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
c/o Tavros Capital Partners, 27 West 24th St.

APPLICANT'S PRIMARY REPRESENTATIVE

Greenberg Traurig, LLP

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

New York NY 10010

200 Park Avenue

CITY STATE ZIP

STREET ADDRESS

212.518.4942 dbarnett@tavroscapital.com

New York NY 10166

AREA CODE TELEPHONE # FAX#

CITY STATE ZIP

(212) 801-9265 segalj@gtlaw.com

* List additional applicants below:

AREA CODE TELEPHONE # FAX#

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2 Site Data Attachment Sheet.")

23-10 - 23-16 45th Ave, 45-03 - 45-09 23rd Street

Special LIC Mixed Use District Block 3 Text Amendment and Subway Improvements Cert.

STREET ADDRESS

PROJECT NAME (IF ANY)

East side of 23rd Street and south side of 45th Avenue

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

C5-3; Special LIC District, Court Square Subdistrict, Block 3

9 b

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S).

Block 80, Lots 5, 6, 7, 9, 10, 11, 12; & Lots 1 and 3 Queens

2

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

See attached description.

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

- CHANGE IN CITY MAP.....MM \$
- ZONING MAP AMENDMENT.....ZM \$
- ZONING TEXT AMENDMENT.....ZR \$ 5,445
- ZONING SPECIAL PERMIT.....ZS \$
- ZONING AUTHORIZATION.....ZA \$
- ZONING CERTIFICATION.....ZC \$
- PUBLIC FACILITY, SEL./ACQ.....PF \$
- DISPOSITION OF REAL PROP.....PP \$
- URBAN DEVELOPMENT ACTION.....HA \$
- URBAN RENEWAL PROJECT.....* \$
- HOUSING PLAN & PROJECT.....* \$
- FRANCHISE.....* \$
- REVOCABLE CONSENT.....* \$
- CONCESSION.....* \$
- LANDFILL.....* \$
- OTHER (Describe) \$

- MODIFICATION \$
- FOLLOW-UP \$
- RENEWAL \$
- APPLICATION NO. \$
- APPLICATION NO. \$
- C E Q R \$ to be paid later
- SPECIFY
- TOTAL FEE (For all actions) \$ 5,445**

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

Has pre-application meeting been held? NO YES

If yes **Nick Guertin** 8/1/17
DCP Office/Representative Date of meeting



2010 AUG -8 PM 3:23

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCY Department of City Planning

CEQR NUMBER 77DC2504G

TYPE OF CEQR ACTION:

Type II category: Date determination was made:

Has EAS been filed? Yes No

UNLISTED If yes, Date EAS filed:

Has CEQR determination been made? Yes No

If yes, what was determination? Negative Declaration CND Positive Declaration Date determination made: (Attach Copy)

If Positive Declaration, has PDEIS been filed?

Has Notice of Completion (NOC) for DEIS been issued? If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? If yes, date issued:

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

Restrictive Declaration to be approved by MTA

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Jay A. Segal, Esq. NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

Jay A Segal/DG 8/8/18 SIGNATURE OF APPLICANT DATE

Greenberg Traurig, LLP APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

City Map Change MM

Proposed City Map Change
(Check appropriate boxes)

----- APPLICATION NO -----

1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE

2. ELIMINATE EXISTING..... STREET PARK PUBLIC PLACE GRADE

3. CHANGE EXISTING STREET..... WIDTH ALIGNMENT GRADE

4. EASEMENT
Delineate New..... Remove Existing..... Modify Existing.....

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map Change ZM

Proposed Zoning Map Change(s)

----- APPLICATION NO -----

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	EXISTING	TO:	PROPOSED
CHANGE #2	FROM:	EXISTING	TO:	PROPOSED
CHANGE #3	FROM:	EXISTING	TO:	PROPOSED
CHANGE #4	FROM:	EXISTING	TO:	PROPOSED
CHANGE #5	FROM:	EXISTING	TO:	PROPOSED

Zoning Text Amendment ZR

N190036 ZRQ

Affected Zoning Resolution (ZR) Sections

----- APPLICATION NO -----

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
<u>117-421(c)(1)</u>	<u>Special Bulk Regulations</u>
<u>117-421(c)(2)</u>	<u>Special Bulk Regulations</u>
<u>Appendix B</u>	<u>Court Square District Plan Map</u>

2018 AUG - 8 PM 3:24
 DEPT. OF CITY PLANNING

COURT SQUARE 45TH AVE LLC
c/o Tavros Capital Partners
27 West 24th Street, Suite 702
New York, New York 10010

July 31, 2018

Hon. Marisa Lago
Chair
New York City Planning Commission
120 Broadway 31st Floor
New York, NY 10271


Re: Block 3 / Courthouse Square Subway Improvement and Text
Amendment

Dear Chair Lago:

Court Square 45th Ave LLC, ("Applicant") is the fee owner of certain real property (the "Property") having an address at 23-10 – 23-16 45th Avenue and 45-03 – 45-09 23rd Street (Queens Tax Block 80, Lots 5, 6, 7, 9, 10, 11, and 12) and located on Block 3 of the Court Square Subdistrict in the Special Long Island City Mixed Use District. This letter authorizes the firm of Greenberg Traurig, LLP, by its shareholder Jay A. Segal, to act as the Applicant's principal representative in connection with applications seeking (i) a Certification from the Chair of the City Planning Commission to the Department of Buildings pursuant to Section 117-45 of the New York City Zoning Resolution ("ZR") that the proposed subway improvements to the 45th Road Courthouse Square Station comply with the requirements of the Court Square Subdistrict Plan, and (ii) an amendment to ZR Sections 117-421(c)(1) and (2) and Appendix B of Article XI, Chapter 7, pursuant to ZR Section 71-10, for the benefit of the Property.

Sincerely,

COURT SQUARE 45TH AVE LLC

By: 
Name: Nicholas Silvers
Title: Authorized Signatory

cc: Jay A. Segal, Esq.

NY 246696675v1