Special Permit Pursuant to ZR Section 117-533
Attachment #11
Applicant's Discussion of Findings

117-533
Special permit to modify use or bulk regulations

For any #zoning lot# within the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# requirements, provided the Commission shall find that:

(a) such #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

The proposed bulk modifications will aid in achieving the purposes and intent of the LIC District, in particular the following specific purposes of the LIC District set forth in ZR 117-00: "to support the continuing growth of a mixed residential, commercial and industrial neighborhoods…;" "to encourage the development of moderate to high density commercial uses within a compact transit-oriented area;" "to promote the opportunity for people to work in the vicinity of their residences;" and "to retain jobs within New York City."

The bulk modifications sought would significantly enhance the viability of an all-commercial development on the Development Site by allowing for relatively larger, more efficient commercial floorplates, as well as the opportunity to use the roof of the Existing Industrial Building to provide landscaped passive recreation space accessory to the office uses, possible Use Group 6A eating or drinking establishment with outdoor table service, and a complying accessory sign, as described in greater detail in our discussion of finding (c) below. Accordingly, the proposed modifications are needed to facilitate the Applicant's enlargement of the Existing Industrial Building in order to provide a total of 321,449 sf of commercial floor area in the Proposed Development. This commercial building, located in a precinct of Long Island City that is very well-served by transit, would be of significant benefit to the neighborhood. The Proposed Development would provide opportunities for residents of the LIC District, including the adjacent Residential Building and the larger Long Island City neighborhood, to work in their own neighborhood; it would activate the street frontages of the building with ground floor uses and glazing and help to reestablish the mixed-use character of the Subdistrict, which has been characterized predominantly by residential development since its establishment in 2001; and the Proposed Development would provide office floorplates suitable for small and growing companies in New York City.

(b) such #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for the programmatic requirements of the development;

Not applicable; no use modification requested.

(c) such #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

The proposed bulk modifications will enhance the distribution of bulk on the zoning lot as follows:

1. The Applicant seeks a modification of the distance between buildings requirements of ZR Section 23-711(e), which would require any portion of the Proposed Development above a height of 125 feet, if its lot coverage together with that of the Residential Building at such height exceeds 40 percent, to be located at least 80 feet from the Residential Building instead of the proposed 60 feet. The lot coverage of the Residential Building above 125 feet is 8,050 gsf, and the largest floorplates of the Proposed Development above 125 feet would be 16,078 gsf, so the buildings' combined lot coverage above a height of 125 feet would be 24,128 sf (57 percent lot coverage). To comply with the requirements of ZR 23-711(e), floors 8 through 16 of the Proposed Development would each need to be reduced to 8,807 gsf, which would create an excessive number of floors with small floorplates and decrease the overall efficiency of the Proposed Development. Accordingly, modification of ZR 23-711(e) is needed to allow the portions of the Proposed Development above a height of 125 feet to be located 60 feet from the Residential Building rather than 80 feet to allow for adequately- and efficiently-sized floorplates on floors 8 through 16 and to allow for a variety of floorplate sizes within the Proposed Building.

   If the lot coverage were to remain above 40 percent but the 80-foot distance from the Residential Building was provided to comply with 23-711(e), the adverse impact on the floorplates of the Proposed Development would be even greater. Above a height of 125 feet, the existing 44-story Residential Building on the Development Site is built to its shared side lot line with Lot 5 (the "Side Lot Line") along approximately 75 percent of the length of the Side Lot Line. Accordingly, based on the average 146.2 feet of depth between Queens Plaza South and the Side Lot Line, if 80 feet of distance were provided between the Residential Building and the Proposed Development above 125 feet, the floorplates on the 2-3 floors below the maximum base height of 150 feet would be limited to an average depth of 66.2 feet and a maximum floorplate of approximately 12,348 gsf (as compared to the average 86.2'-deep, 16,078 gsf floorplates of such floors in the Proposed Development), and the floorplates above the required setbacks would be limited to an average depth of 56.2 feet and a maximum floorplate of approximately 7,193 gsf (as compared to the average 76.2' deep, 11,653 gsf typical floorplates of floors 10-16 in the Proposed Development). Such shallow, smaller floorplates would greatly reduce the efficiency of these floors and would limit potential tenants due to decreased flexibility in potential office layouts.

   While this proposed bulk modification will cause the building to be closer to the Residential Building than required by ZR 23-711(e), the resulting 60 foot distance is a typical distance between buildings. Additionally, in order to maximize where possible the distance between the Residential Building and the Proposed Development, articulated floorplates on floors 17 through 26 would increase to 72 feet the distance between the

Residential Building and the Proposed Development. The proposed articulated floorplates would also increase the visual corridor for residents of the Residential Building.

2. The Applicant also seeks modification of the street wall requirements of ZR Section 117-531.

   ZR 117-531 requires, on a wide street, and on a narrow street within 50 feet of its intersection with a wide street, the street wall of a building to be located on the street line along the entire width of the street frontage of the zoning lot and to rise without setbacks up to at least the applicable minimum base height. On a narrow street between 50 and 100 feet of its intersection with a wide street, the street wall of a building must be located within eight feet of the street line, extend along the entire width of the narrow street frontage, and rise without setback up to at least the applicable minimum base height. On a narrow street beyond 100 feet of its intersection with a wide street, street walls shall extend along at least 70 percent of the width of the narrow street frontage of the zoning lot and rise without setbacks up to at least the applicable minimum base height. Beyond 50 feet of the intersection with a wide street, all street walls shall be located within eight feet of the street line. The Proposed Development has three street frontages: 23rd Street and Queens Plaza South (wide streets), and 24th Street (narrow street).

   The street walls of the Proposed Development would rise to a maximum base height of 150 feet, but at the fifth floor of the Proposed Development, which extends in height from approximately 68 feet to 92 feet above the base plane, the street wall would be set back from the street line on all three street frontages for 100 percent of the required street wall width on each such frontage. Accordingly, modification of ZR 117-531 is proposed to waive the street wall location provisions at the level of the fifth floor for the entire street frontages of 23rd Street and Queens Plaza South (137.63 feet and 187.31 feet respectively), and, on 24th Street, for the portion of the frontage within 100 feet of Queens Plaza South and for 70 percent of the remaining frontage (38.35 feet out of the 54.78 feet of frontage located beyond 100 feet of Queens Plaza South).

   These proposed street wall location modifications, resulting in maximum setback depths of 40 feet along 23rd Street, 33 feet along Queens Plaza South, and 20 feet along 24th Street, would help to emphasize the Existing Industrial Building, a neighborhood "landmark," by providing a clear visual distinction between the Existing Industrial Building and the enlargement portion of the Proposed Development. The street wall location modifications would also reduce the overall bulk of the building and provide visual relief to both the residents of the Residential Building and the neighborhood in general. The lushly landscaped roof deck afforded by the proposed street wall location modifications would also provide an attractive visual resource to residents in the north-facing apartments compared with the existing silver-painted roof of the Existing Industrial Building.

(d) such #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

The modification sought to the distance between buildings requirement of ZR 23-711(e) to reduce the distance between the portions of the Proposed Development and the Residential Building above a height of 125 feet from 80 feet to 60 feet will continue to permit adequate access of light and air to surrounding streets and properties.

The adjacent Residential Building would have at least 60 feet between the dwelling units with windows along the Side Lot Line facing the Proposed Development, which is the typical window-to-window condition required by the general provisions of ZR 23-711 for buildings on zoning lots that do not exceed a lot coverage of 40 percent above 125 feet. Additionally, because the Proposed Development will not have legally required windows facing the Residential Building, ZR 23-711 would allow the floors of the Proposed Development that face dwelling units of the Residential Building to be located only 50 feet from the Residential Building if its floorplates were reduced to comply with the 40 percent lot coverage requirement. Accordingly, the 60-foot distance proposed pursuant to the special permit is greater than the minimum distance that would be required for an as-of-right project.

The proposed street wall location modifications, which would reduce the overall size of the fifth floor through street wall setbacks of 40 feet along 23rd Street, 33 feet along Queens Plaza South, and 20 feet along 24th Street, would provide more light and air to the residential amenity space in the rear of the Residential Building as well as to surrounding streets and properties than an as-of-right street wall condition that would locate the street wall at the street line for the entire street frontage along 23rd Street, Queens Plaza South, and the 24th Street frontage within 100 feet of Queens Plaza South, and within eight feet of the street line for the remaining 24th Street frontage.

(e) such #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

The proposed modification to the distance between buildings requirement of ZR 23-711(e), which would result in a distance of 60 feet between the Residential Building and the Proposed Development, is consistent with the required distance between buildings on blocks throughout the subdistrict. The proposed modifications to the street wall location requirements that would allow the street walls of the fifth floor directly above the Existing Industrial Building to be set back from the street line below the minimum base height of 100 feet will allow the historic character of the façade of the Existing Industrial Building, built in 1920, to retain its distinct presence in the neighborhood. Excepting these two proposed modifications, the Proposed Development would comply with the street wall location and maximum base height and setback requirements currently applicable to the Development Site under its present Area B designation within the Subdistrict.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.