23-10 Queens Plaza South Rezoning
23-10 Queens Plaza South & 42-20 24th Street

1. INTRODUCTION

The applicant, AAGS Holdings LLC (the "Applicant"), seeks the following actions to facilitate the reuse and 22-story enlargement (the "Proposed Enlargement") of the four-story former Eagle Electric building (the "Existing Industrial Building") located on the zoning lot consisting of Queens Block 425, Tax Lots 1 and 5 (the "Development Site"):

- a zoning map amendment to rezone an area consisting of the Development Site, (the "Project Area"), from M1-5/R9 to M1-6/R9;

- zoning text amendments to ZR 117-50 et seq. to:
  - establish a new Area D, coterminous with the Project Area, within the Queens Plaza Subdistrict (the "Subdistrict") of the Special Long Island City Mixed Use District (the "LIC District");
  - make such Area D subject to the applicable bulk regulations of the Subdistrict; and
  - establish the maximum permitted floor area ratios ("FAR") permitted by use in Area D; and

- a special permit pursuant to ZR Section 117-533 to modify the distance between buildings requirements of ZR 23-711(e) and the street wall location requirements of ZR 117-531.

2. BACKGROUND

In 2001, the City Planning Commission approved zoning map and text amendments (N 000407A ZRQ & C000406AZMQ) establishing the LIC District and creating the Subdistrict for a 34-block area located between 41st Avenue, the Sunnyside Yards, Crane Street, Jackson Avenue, and 23rd Street. Two zoning text amendments affecting the Subdistrict were subsequently approved in 2012 and in 2013. The 2012 amendment (N 110223 ZRQ) established special sign provisions to allow accessory business signs on the rooftops of buildings having roof heights between 70 and 150 feet and having frontage along Queens Plaza North, Queens Plaza South, Queens Plaza East, and Queens Boulevard, among other criteria. The elements of the 2013 amendment (N 130134 ZRQ) applicable to the Subdistrict established provisions allowing small sidewalk cafes on block fronts along Queens Plaza North, Queens Plaza South, and the west side of Jackson Avenue between 44th Drive and the prolongation of Dutch Kills Street, as well as allowing unenclosed sidewalk cafes on multiple block fronts of several streets within the Subdistrict. The 2013 amendment established minimum base height provisions for two blocks within Area C of the Subdistrict and amended Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403) to allow an already filed application for a special permit pursuant to this section to proceed into the public review process as designed even though the design did not comply with the proposed minimum base heights.

The lot area of the Development Site is 42,143 sf and it is located within Area B of the Subdistrict. The Subdistrict allows a maximum 8.0 FAR for any permitted use within Area B, resulting in 337,144 sf of floor area currently allowed on the Development Site.

Prior to 2014, the Development Site was in single ownership and was occupied by a vacant building formerly used by Eagle Electric. Eagle Electric vacated the building in approximately 2000. The portion of the building on Tax Lot 1 was two stories and the portion of the building on Tax Lot 5 was four stories. In 2013, Tax Lots 1 and 5 were declared to be a single zoning lot in connection with the construction of a 44-story residential building on Tax Lot 1 (the "Residential Building"), which was completed in 2016. The Residential Building's 310,696 sf of residential floor area (7.37 FAR) left approximately 26,500 sf of floor area (0.63 FAR) allowable on Tax Lot 5 out of the total 337,144 sf of floor area allowed on the Development Site. The Existing Industrial Building on Tax Lot 5 has approximately 105,000 sf of above-grade floor area in its existing four floors. The Department of Buildings ("DOB") allowed the developer to obtain its Certificate of Occupancy for the Residential Building without demolishing the upper stories of the Existing Industrial Building provided that until an upzoning was approved, the Existing Industrial Building could not be occupied above its first floor except by permitted residential accessory parking that would not count towards floor area because it would have been located below 23 feet. Because the anticipated upzoning has not yet occurred, the Development Site continues to be technically overbuilt, although all of the floor area of the Existing Industrial Building is vacant and has been since approximately 2000. In 2019, the Applicant acquired the Existing Industrial Building and is now seeking the proposed zoning map and text amendments and special permit that are the subject of these applications to allow for the reuse and enlargement of the Existing Industrial Building for office, local retail, and exhibit use.

A Zoning Lot Development and Easement Agreement governing the Development Site was executed and recorded in 2018 (CRFN 2018000406484) (the "ZLDA"), allocating to Tax Lot 1 the existing floor area of the Residential Building, and allocating to Tax Lot 5 26,363 sf of the maximum allowed 26,448 sf of floor area allowed on the Development Site, plus any additional floor area obtained through an upzoning of the Development Site.

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located in Long Island City and within Queens Community District 2. The Project Area is zoned M1-5/R9 and is within Area B of the Subdistrict (8.0 FAR). Surrounding blocks to the north, east and south are also within the Subdistrict and are zoned M1-5/R9 (Area B, 8.0 FAR) and M1-5/R7-3 (Area C, 5.0 FAR). Surrounding blocks to the west are within the LIC District but not within any subdistrict and are zoned M1-5 (5.0 FAR). The Subdistrict pairs a light manufacturing district with a residence district and establishes special use and bulk provisions for these districts. There are no height limits for building in the Subdistrict. Most residential, commercial, light industrial and community facility uses are permitted as-of-right in the Subdistrict.

The Subdistrict was established in 2001 primarily to facilitate office development, in addition to the residential, community facility, and manufacturing uses also allowed by the LIC District. However, the majority of the resulting development within the Subdistrict has been residential, although the zoning changes did facilitate the enlargement and conversion of the Brewster

Building from an industrially-occupied loft building to an office building, the redevelopment of the former Queens Plaza Municipal Garage site into two new office buildings totaling approximately 1.5 million sf, as well as the development of approximately five hotels. Other surrounding land uses, within and outside the Subdistrict, include loft buildings occupied by light industrial and office uses, three-story row houses, and small commercial buildings. Immediately adjacent land uses to the Project Area include public parking lots, a trade school, and the Queensboro Bridge.

The area is very well-served by transit. An entrance to the Queensboro Plaza subway station (#7, N, W) is located one and one-half blocks east of the Development Site, an entrance to the Queens Plaza subway station (E, M, R) is located approximately four blocks east of the Development Site, an entrance to the 21 Street/Queensbridge subway station (F) is located three blocks northwest of the Development Site, and an entrance to the Court Square subway station (E, G, M, #7) is located four blocks south of the Development Site. Several bus lines stop on Queens Plaza South, including the Q39 which stops at the intersection of Queens Plaza South and 23rd Street on which the Development Site fronts, and the Q66 and Q69 which stop within one-half block of the Development Site.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA / PROPOSED DEVELOPMENT SITE

The Project Area proposed to be rezoned consists of the Development Site described in detail below.

The Development Site comprises Queens Block 425 bounded by Queens Plaza South, 24th Street, 42nd Road and 23rd Street, and has a total lot area of 42,143 sf. The Development Site consists of: (i) Tax Lot 1, which has 14,921 sf of lot area, 186.54 feet of frontage on 42nd Road and 80 feet of frontage on each of 23rd and 24th Streets; and (ii) Tax Lot 5, which has 27,222 sf of lot area, 137.63 feet of frontage on 23rd Street, 187.31 feet of frontage on Queens Plaza South, and 154.78 feet of frontage on 24th Street. As discussed above, Tax Lot 1 is improved with the 44-story, approximately 473-foot Residential Building now commonly known by the street address 42-20 24th Street[1], which has 310,696 sf of floor area (7.37 FAR), 391 dwelling units, and 62 fully enclosed accessory parking spaces. The Residential Building is built to the shared side lot line with Tax Lot 5. Tax Lot 5 is improved with the four-story, approximately 105,000-sf Existing Industrial Building known by the street address 23-10 Queens Plaza South, which is vacant and covers the entire lot area of Tax Lot 5.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed reuse and 22-story Proposed Enlargement of the four-story Existing Industrial Building would result in a 26-story, 389.8-foot tall commercial building on Tax Lot 5 (the "Proposed Development"). The Proposed Development would have a total of 321,449 sf of commercial floor area, consisting of 104,849 sf of floor area within the envelope of the Existing

[1] The Property Profile Overview for the Residential Building on DOB's Building Information System database identifies the Residential Building by three street addresses: 42-20 24th Street, 23-10 42nd Road, and 42-19 23rd Street. 42-20 24th Street is associated with the front door and lobby entrance for the Residential Building.

Industrial Building and 216,600 sf of new floor area within the Proposed Enlargement. Approximately 20,631 sf of the total floor area is proposed for local retail and exhibit use and approximately 300,818 sf of the total floor area is proposed for office use. No change is proposed to the existing 310,696 sf (7.37 FAR) Residential Building; accordingly, the Proposed Development, together with the Residential Building, will result in 632,145 sf of floor area (15.0 FAR) on the Development Site.

Modest grade changes within Tax Lot 5 and the current configuration of the Existing Industrial Building will allow for the ground floor of the Existing Industrial Building to be raised by approximately six inches, thereby increasing the ceiling height of the cellar to approximately 19 feet to allow for a more productive use of the cellar space. The cellar of the Proposed Development would be occupied by local retail uses, an accessory gym, mechanical space, and approximately 2,400 sf of community meeting space. The entrance to the community space would be located along 23rd Street and the entrance to the retail space would be located along Queens Plaza South through a shared entrance with the ground floor retail. The ground floor would be occupied by local retail uses, an office lobby, an Eagle Electric exhibit to display the former building owner's products and provide information about the company's history, a loading area, and an accessory bicycle parking area. The entrances to the lobby, retail, and Eagle Electric exhibit spaces would be located along Queens Plaza South and 24th Street; the entrance to the bicycle parking would be located along 24th Street, and the loading dock would be accessed along 24th Street via an existing curb cut. Floors two through four within the envelope of the Existing Industrial Building as well as new floors five through 26 within the Proposed Enlargement would be occupied by office uses. The roof of the Existing Industrial Building would be used for landscaped passive recreation space accessory to the office uses, a complying accessory sign pursuant to ZR 117-514 (Special sign regulations), and a possible Use Group 6A eating or drinking establishment with outdoor table service.

The typical proposed office floorplates would be 27,269 sf within the Existing Industrial Building, 7,557 gsf on floor 5 due to the proposed street wall location modifications described below, 16,078 gsf on floors 6 through 9 below the maximum base height, above which the Proposed Development would provide complying setbacks from its three street frontages and have a typical floorplate of 11,653 gsf between floors 10 and 16,[2] and a typical floorplate of 7,616 gsf between floors 17 and 25.[3] Floor 26 would be significantly set back from the streets to accommodate terraces and have a floorplate of 3,956 gsf. All floorplates above the 16th floor would be designed to comply with the ZLDA.

ZR Section 117-531 (Street wall location) establishes street wall location rules that generally require street walls at the street line on a wide street and on a narrow street within 50 feet of an intersection with a wide street and within eight feet of the street line beyond 50 feet of an intersection with a wide street. The street walls of the Proposed Development would rise to the proposed applicable maximum base height of 150 feet, as per ZR 117-532 (Setback regulations for buildings that exceed the maximum base height). However, the street walls of the proposed

[2] The 10th floor would have a smaller floorplate of 10,450 gsf because it would be set back further from the streets than floors 11-16 to accommodate a terrace.

[3] The 17th floor would have a smaller floorplate of 6,698 gsf because it would be set back further from the streets than floors 18-25 to accommodate a terrace.

fifth floor, located directly above the Existing Industrial Building and extending in height from approximately 68 feet to 92 feet above the base plane, would be set back from the street line on all three street frontages, to a depth of approximately 40 feet from 23rd Street, 33 feet from Queens Plaza South, and 20 feet from 24th Street, in order to provide visual distinction between the Existing Industrial Building and the Proposed Development and allow for landscaped passive recreation space accessory to the office uses, a complying accessory sign pursuant to ZR 117-514 (Special sign regulations), and a possible Use Group 6A eating or drinking establishment with outdoor table service.

The Proposed Development would retain the existing envelope of the Existing Industrial Building, which has four stories, a height of approximately 84 feet, and covers the entire area of Tax Lot 5. Beginning at the 6th floor of the Proposed Development, at a height of approximately 108 feet, which is the first level at which dwelling units within the Residential Building would face the Proposed Development, the Proposed Development would provide a minimum distance of 60 feet, instead of a required 80 feet, from the Residential Building, which is built to the shared side lot line.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

In order to allow the four floors of the Existing Industrial Building to be occupied with approximately 105,000 sf of commercial floor area and to facilitate the development of the Proposed Enlargement of 216,600 sf of new commercial floor area above the Existing Industrial Building, the following actions are proposed:

1) Zoning Map Amendment to rezone the Project Area from M1-5/R9 to M1-6/R9;
2) Zoning Text Amendments to Article 11 Chapter 7 (Special Long Island City Mixed Use District):
    - to establish Area D (coterminous with the Project Area) with designated paired districts M1-6/R9 in the Queens Plaza Subdistrict;
    - to make Area D subject to the Subdistrict Special Bulk Regulations and:
        - add new floor area regulations applicable to Area D: a maximum commercial and manufacturing FAR of 15.0, community facility FAR of 10.0 and residential FAR of 8.0; and
        - establish a minimum base height of 100 feet and a maximum base height of 150 feet for Area D; and
3) Special Permit pursuant to ZR 117-533 to modify the distance between buildings requirements of ZR 23-711(e) and the street wall location requirements of ZR 117-531.

The proposed zoning map amendment to rezone the Project Area from the existing M1-5/R9 District to M1-6/R9, combined with the proposed zoning text amendment to modify the allowed FARs of the proposed M1-6/R9 District within the Subdistrict, are appropriate because they would facilitate the reuse and enlargement of an existing vacant building for office, retail, and exhibit use. The proposed commercial development is consistent with the General Purposes of the LIC District and the City's goals of increasing outer borough employment opportunities in transit-rich neighborhoods and easing or reversing commuting patterns from the outer boroughs to Manhattan. The current M1-5/R9 District, as modified by the bulk regulations of the Subdistrict, permits 8.0

FAR for all uses, and therefore does not provide an incentive for commercial development over residential development.

The neighborhood's excellent mass transit and emerging bike network supports the proposed density increases. Four subway stations served by eight subway lines encircle the Development Site and are within a three- to 10-minute walk of the site: Queensboro Plaza (#7, N, W), 21st Street/Queensbridge (F), Court Square (#7, E, G, M) and Queens Plaza (E, M, R). Eight bus lines stop within a similar distance along Queens Plaza North and Queens Plaza South: Q32, Q39, Q60, Q67, Q100, Q101, Q102, B62. Entrances to the existing bike lane and newly proposed pedestrian lane on the Queensboro Bridge are also between two and three blocks from the development site, and the shared bike lane along 23rd Street connects into the Hunters Point bike network and the Pulaski Bridge bike lane, affording additional transportation access. The proposed density increases, combined with the existing subway, bus, bike, and pedestrian network, is consistent with other central business districts such as Downtown Brooklyn and Lower and Midtown Manhattan.

The intersection of 23rd Street and Queens Plaza South is challenging for traffic and pedestrians due to the shadows and noise generating from the elevated #7 tracks and the Queensboro Bridge and the structure of the elevated tracks itself. The proposed building and ground floor retail uses would illuminate the street frontages of 23rd Street and Queens Plaza South. The higher-density office development and ground floor retail allowed by the proposed zoning map and text amendments would increase the number of pedestrians and visitors to the site compared with the number allowed under the current zoning, thereby enlivening the street and extending pedestrian activity along the full length of Queens Plaza South within the Subdistrict. The larger building allowed by the proposed FAR increase would help to "soften" the visual impact of the existing elevated transportation structures.

The proposed text amendments are needed to establish within the Subdistrict a new Area D, coterminous with the Project Area, to allow for the Proposed Development's 321,449 sf of commercial floor area.

In areas outside of the Subdistrict, the M1-6/R9 District would be subject to the provisions of Article XII, Chapter 3 (MX District). The MX District provisions would allow a maximum 421,430 sf of commercial floor area on the Development Site (10.0 FAR), leaving a balance of 110,774 sf of floor area for development on Tax Lot 5 given the existing floor area in the Residential Building. This amount of floor area would only allow for the reuse of the Existing Industrial Building; it would not allow for the Proposed Enlargement. The proposed text amendments are therefore needed to create Area D with designated paired districts M1-6/R9, to make such Area D subject to the Subdistrict's bulk regulations, and to establish the allowed FARs by use in Area D. The proposed Area D designation within the Subdistrict would increase the allowed commercial and manufacturing FAR to 15.0, the community facility FAR to 10.0 (consistent with the underlying R9 district), and maintain the allowed residential FAR at 8.0 (consistent with the Development Site's current Area B designation). As described above, the LIC District was adopted in 2001 in part to encourage office development and other non-residential development. The Project Area's location and approximate three- to 10-minute walk to four subway stations served by eight subway lines is particularly well-suited for new commercial

development. The proposed increase in commercial density to 15.0 FAR pursuant to the proposed text amendments would allow the Existing Industrial Building to be reused and enlarged as an appropriately-sized office building, consistent with the General Purposes of the LIC District.

The proposed minimum and maximum base heights of 100 feet and 150 feet, respectively, that would be established in proposed Area D are the same base heights as those in effect on the Project Area today. These base heights are consistent with the loft character of the Existing Industrial Building and the Proposed Enlargement, and the maximum base height of 150 feet serves to maximize the floor plate size on floors six through nine to help ensure a viable commercial office building.

The proposed application for a special permit pursuant to Section 117-533 (Special permit to modify use or bulk provisions) to modify ZR 23-711(e) and ZR 117-531 is needed to allow the envelope of the Proposed Development given the existing conditions on the Development Site. Specifically:

- ZR 23-711(e) (Standard minimum distance between buildings) would require the portion of the Proposed Development above a height of 125 feet to be located 80 feet from the Residential Building if the total lot coverage on the Development Site exceeds 40 percent. As described above, the Proposed Development would provide a minimum distance of 60 feet from the Residential Building, which is built to the shared lot line between Tax Lots 1 and 5, beginning at a height of approximately 108 feet, which is the first level at which dwelling units within the Residential Building would face the Proposed Development. 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 as described above, 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 from their proposed 16,078 to 11,653 gsf, resulting in an excess of floors with small floorplates and decreasing the efficiency of the Proposed Development. Accordingly, modification of ZR 23-711(e) is proposed 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 the proposed 16,078 to 11,653 sf floorplates on floors 8 through 16 and to ensure a variety of floorplate sizes within the Proposed Building.

- 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 of a wide street, all required 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).

As described in Section 5 ("Description of the Proposed Development"), the street walls of the Proposed Development would rise to a maximum base height of 150 feet, which is permitted under the current bulk regulations applicable to the Development Site and would comply with the proposed text amendments. However, 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 to a maximum depth of approximately 40 feet from 23rd Street (a wide street), 33 feet from Queens Plaza South (a wide street), and 20 feet from 24th Street (a narrow street), in order to provide visual distinction between the Existing Industrial Building and the Proposed Development and allow for a landscaped passive recreation space accessory to the office uses, a complying accessory sign pursuant to ZR 117-514 (Special sign regulations), and a possible Use Group 6A eating or drinking establishment with outdoor table service. Accordingly, modification of ZR 117-531 is proposed to waive the street wall location provision 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).

7. CONCLUSION

In order to facilitate the reuse and enlargement of the Existing Industrial Building, the Applicant seeks to increase the maximum permissible FAR for commercial use on the Development Site from 8.0 to 15.0 through applications for zoning map and text amendments and seeks bulk modifications pursuant to a special permit (ZR 117-533). Under the proposed actions, the Project Area would be rezoned to an underlying M1-6 district paired with the current R9 district and designated as Area D in the Subdistrict. The maximum residential FAR would remain at 8.0, the maximum community facility FAR would increase from 8.0 to 10.0 (consistent with the underlying R9 District), and the maximum manufacturing and commercial FARs would be increased to 15.0. The proposed minimum and maximum base heights would be 100 feet and 150 feet, respectively. The bulk waivers pursuant to ZR 117-533 would (1) modify ZR 23-711(e) to reduce from 80 feet to 60 feet the distance required between portions of buildings above a height of 125' with lot coverage exceeding 40 percent in order to accommodate the floorplates of the Proposed Enlargement together with those of the existing Residential Building; and (2) modify the street wall location provision to allow the fifth floor street wall to be set back from the street line below the minimum 100' base height in order to provide visual separation between the Existing Commercial Building and the office stories of the Proposed Enlargement and allow for landscaped passive recreation space accessory to the office uses, a complying accessory sign pursuant to ZR 117-54 (Special sign regulations), and a possible Use Group 6A eating or drinking establishment with outdoor table.

The proposed actions will allow for new office and retail development that is consistent with the General Purposes of the LIC District and help to restore a mixed-use character to the largely-residential Subdistrict within a precinct of Long Island City well-served by transit. The proposed

local retail and office uses will add much-needed street life to this western edge of the Subdistrict and provide new shopping opportunities in a section of the neighborhood with very few retail uses. Lastly, the Proposed Development is compatible with the City's goals of increasing outer borough jobs in transit-rich neighborhoods to help ease or reverse commuting patterns from the outer boroughs to Manhattan.