



IN THE MATTER OF an application submitted by Justice Avenue Tower, LLC for a modification pursuant to Section 8 of the Declaration D-60 (CP-21465A) to cancel said Declaration D-60, to facilitate as-of-right uses within an existing building on property located at 88-08 Justice Avenue (Block 1842, Lots 39 & 66), within a C4-2 District, Borough of Queens, Community District 4.

WHEREAS, on January 25, 2021, Justice Avenue Tower, LLC submitted an application (M 210229 LDQ) to the New York City Planning Commission (the “Commission”) for a cancellation of the previously approved Restrictive Declaration (D-60) (“Declaration (D-60)”), dated July 27, 1972, as modified in 1977 and 1981, to facilitate commercial use in the existing 18-story mixed-use building located within the project area (Block 1842, Lots 39 and 66); and

WHEREAS, Declaration (D-60) was recorded in the Office of the New York City Register, Queens County, (Reel 606, Page 1830) on September 26, 1972 by J.A. Green Construction Corp. in connection with a rezoning of the project area from an R6 zoning district to a C4-2 zoning district (ULURP No. CP-21465, Cal. No. 40); and

WHEREAS, Declaration (D-60) required development generally in accordance with plans attached to the declaration, which included the development of a 14-story office building, a movie theater, and retail shopping area along with a two-story garage structure. Additionally, Declaration (D-60) limited retail use to no more than 10,000 square feet per establishment and the upper level of the proposed parking facility was to be closed between 7:00 PM and 7:00 AM, with lighting designed not to reflect beyond the structure to adjacent uses. As an alternative, Declaration (D-60) also permitted any development pursuant to R6 zoning district regulations; and

WHEREAS, in 1977, under ULURP Application No. CP-21465A, a modification to Declaration (D-60) dated October 7, 1977 was recorded on December 21, 1977 (Real 1039, Page 1366), which required development in accordance with plans attached to the modified declaration including limited commercial development in the form of an eating and drinking establishment

(approximately 6,000 square feet), a four-story office building (approximately 45,000 square feet), and a parking structure (142 parking spaces); and

WHEREAS, in 1980, under non-ULURP Application No. N 800429 ZDQ, a second modification to Declaration (D-60) dated December 19, 1980 was recorded on February 27, 1981 (Reel 1322, Page 956), which required development in accordance with plans attached to the modified declaration and permitted the premises to be utilized as a public parking lot for a temporary term of five years including screening, lighting and operational regulations; and

WHEREAS, the Declarant wishes to include commercial uses in the existing building (e.g., 23,000 sq. ft. of commercial office space and 25,000 sq. ft. of retail space) in a manner inconsistent with certain aspects of Declaration (D-60), as modified, and has submitted an application designation number M 210229 LDQ to the Commission for cancellation of Declaration (D-60) pursuant to Section 8 thereof, which requires the approval of the Commission and the New York City Council, as successor to the Board of Estimate; and

WHEREAS, this application (M 210229 LDQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 23DCP171Q. The lead is the City Planning Commission. On September 29, 2023, an Environmental Assessment Statement (EAS) was issued which describes and analyzes the proposed actions. The EAS concluded that the proposed actions would not result in any significant adverse environmental impacts. A Negative Declaration was issued on October 2, 2023; and

WHEREAS, on October 6, 2023 this application was referred by the Commission to Queens Community Board 4; and

WHEREAS, Community Board 4, at a meeting on December 12, 2023, by a vote of 21 in favor, one abstaining, and seven opposed, adopted a resolution recommending approval of the application; and

WHEREAS, the Commission has determined that the application warrants approval so that use of the subject property may proceed pursuant to the underlying C4-2 zoning district; therefore be it

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on October 2, 2023 with respect to this application (CEQR No. 23DCP171Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the application (M 210229 LDQ) submitted by Justice Avenue Tower, LLC for a modification pursuant to Section 8 of the Declaration (D-60) (CP-21465A) to cancel said Declaration (D-60), to facilitate as-of-right uses within an existing building on property located at 88-08 Justice Avenue (Block 1854, Lots 39 & 66), within a C4-2 District, Borough of Queens, Community District 4, is approved.

The above resolution (M 210229 LDQ), duly adopted by the City Planning Commission on January 24, 2024 (Calendar No. 13), is filed with the Office of the Speaker, City Council.

DANIEL R. GARODNICK, Esq., *Chair,*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq., JOSEPH I.

DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq., RASMIA KIRMANI-FRYE,

ORLANDO MARÍN, JUAN CAMILO OSORIO, *Commissioners*

RAJ RAMPERSHAD, *Commissioner, RECUSED*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 88-08 Justice Avenue Restrictive Dec Termination	
Applicant: Chris Xu	Applicant's Primary Contact: Chris Xu
Application # M210229LDQ	Borough:
CEQR Number: 23DCP171Q	Validated Community Districts: Q04

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 21	# Against: 7	# Abstaining: 1	Total members appointed to the board: 39
Date of Vote: 12/12/2023 12:00 AM		Vote Location: Elmhurst Hospital Center - 79-00 Broadway, Elmhurst 11373	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: At the December 12th Full Board meeting of Community Board 4, the Board voted to approve the attached application with the attached conditions and concerns below.

Recommendation submitted by	QN CB4	Date: 1/12/2024 3:17 PM
-----------------------------	--------	-------------------------



COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, Elmhurst, and Newtown

46-11 104th Street

Corona, New York

11368-2882

Telephone: 718-760-3141

Fax: 718-760-5971

E-mail: qn04@cb.nyc.gov

Donovan Richards

Queens Borough President

Marialena Giampino

Chairperson

Ebony Young

Deputy Borough President

Christian Cassagnol

District Manager

88-08 Justice Avenue

Elmhurst, NY 11373

Excerpts from December 12, 2023 CB Meeting

Presentation given by Eric Palatnik:

1973/74 city granted the property rezoning to commercial. City wanted a movie theater on site. Deed restriction signed to allow commercial, but a movie theater had to be built on site. Movie Theater never built.

Currently, 40,000 sq. ft. empty in the upper floors because it cannot be used for any other use except for “community facility”. If restriction removed, space can be used for other uses such as office/professional space. Retail stores can be put in as property is zoned commercial.

Community space does not necessarily mean for the community. Removing restriction will provide for commercial uses. “Community space” is a misnomer as space can be rented out to for profit companies.

First floor occupied by Advantage Health Care, parking garage, and charter school.

Community Board 4’s Comments and Concerns:

Comments: Rumor was heard that a Chinese supermarket was coming in to occupy space.

Removal of restriction allows for full commercial use.

No unconditional removal of the present restriction.

Concerns: Place a recommendation that space can only be used as community use, no retail.

Projecting ahead, the school may or may not renew its lease, and space can be rented out as retail.

Traffic congestion by charter school bus pickups and dismissal & Motorists drop off people when visiting doctor offices.

Only one lane of traffic each way, and buses take up the roadway.

Signage is needed that parking is available for public usage.

Garage entrance/exit too wide. Gate/barrier needs to be installed for the children enrolled in the charter school as a safety precaution from cars entering/exiting the parking garage.

Board voted 21 yes, 7 no, with 1 abstention to remove Restrictive Declaration.

Excerpts from January 9, 2024 CB Meeting

The recommendation was delayed because of the unclear and misleading information presented, especially pertaining to the movie theater not being built as if that was the main issue. Clear facts were given to the board at the January 9th meeting and then a motion was made to revote, the vote was seconded but did not pass due to procedural concerns.

Board voted 13 yes, 20 no, and 1 abstention. The December vote stands.