



## **CITY PLANNING COMMISSION**

August 21, 2013/Calendar No. 38

C 130191 ZSQ

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**IN THE MATTER OF** an application submitted by G&M Realty, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, p/o Lot 80), in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), Borough of Queens, Community District 2.

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The application for the special permit to increase the allowed floor area ratio (FAR) up to a maximum of 8.0 and to modify street wall location and required setback provisions was filed by G&M Realty, L.P. on February 8, 2013 to allow for the development of a mixed-use building on Block 86/72, a full-block site bounded by Jackson Avenue, Crane and Davis streets, and the Sunnyside Yards in Hunter's Point, Queens.

### **BACKGROUND**

G&M Realty, L.P. is seeking a special permit pursuant to Section 117-56 (Special Permit for Bulk Modifications on Block 86/72 and 403) of the Zoning Resolution to permit an increase in the allowed FAR up to a maximum of 8.0, to modify the street wall location provisions of Section 117-531 (Street wall location) and to modify the required setback provisions of Section 117-532 (Setback regulations for buildings that exceed the maximum base height). The actions would facilitate a proposed mixed-use development containing approximately 1,000 housing units, 50,000 square feet of retail space, 2,200 square feet of artists' studios, approximately 32,100 square feet of public open areas, and a 250-space public parking garage on Block 86/72 in Hunter's Point, Queens.

Block 86/72 is a 127,156-square foot site bounded by Jackson Avenue on the north, Davis Street on the east, the Sunnyside Yards on the south, and Crane Street on the west. The site comprises all of the tax lots on Block 86 and Lot 80 of Block 72. It is currently developed with 5Pointz, an interconnected series of four- to six-story loft buildings which covers approximately two-thirds

of the block and whose exterior is covered by graffiti murals. The 5Pointz buildings are partially occupied by a mix of light industrial businesses and studios. The graffiti mural painting project was started approximately 15 years ago by the applicant as a favor to an artist whose studio was in one of the buildings. Additional artists were eventually invited by the applicant to paint an evolving display of graffiti murals and the site's reputation as a graffiti center is now internationally renowned. The remaining third of the site is occupied by a largely vacant one-story building and a 100-space public parking lot abutting the Sunnyside Yards. The rest of the block along Jackson Avenue is occupied by three, three-story buildings with ground floor retail uses and upper story apartments. Elevated tracks for the #7 train emerge from the Sunnyside Yards and continue above Davis Street along the block's eastern frontage. The top of the tracks is approximately 32 feet above grade.

The Court Square station for the #7 and G lines and the Court Square/23rd Station for the E and M subway lines are located across Jackson Avenue from the site, at 23rd Street and Jackson Avenue. The 21st Street station for the G line is located west of the site, at Jackson Avenue and 21st Street, and the LIRR Hunterspoint Avenue station is located across the Sunnyside Yards from the site along 49th Avenue.

Block 86/72 is zoned M1-5/R7-3 (5.0 FAR), and it is the southern-most block within Area C of the Queens Plaza Subdistrict (QP Subdistrict) of the Special Long Island City Mixed Use District (LIC District). The M1-5/R7-3 District allows residential, commercial and most community facility and light industrial uses generally as-of-right. The Queens Plaza Subdistrict has special bulk provisions that reflect the high lot coverage, loft building character of many of the subdistrict's blocks. The general zoning provisions for Area C are as follows:

- the maximum lot coverage is 70 percent;
- street walls are generally required to be at the street line on a wide street and on a narrow street within 100 feet of a wide street;

- a minimum base height of 60 feet and a maximum base height applies throughout Area C except on Block 86/72 and the block across Davis Street from the site, where the minimum street wall height is 40 feet along Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and 60 feet on the other street frontages of the two blocks; and
- there are no building height limits in Area C or anywhere else within the Queens Plaza Subdistrict.

Section 117-56 of the QP Subdistrict provides a City Planning Commission special permit applicable to Block 86/72, the site that is the subject of this report, and Block 403, located at the northeast corner of the subdistrict. The special permit provision allows the City Planning Commission to increase the allowed FAR on each site up to a maximum of 8.0 if a public open area of not less than 20,000 square feet and a public parking garage of not less than 250 spaces are provided on the zoning lot. The public open area and public parking garage must meet findings specified in Section 117-56. This special permit also allows for modifications to the street wall location and required setback provisions of sections 117-531 and 117-532, respectively, provided certain findings are met.

The blocks surrounding Block 86/72 are characterized by a mix of low-scale residential, commercial, and light industrial uses, as well as recently constructed mid-rise, predominantly residential buildings. The lower scale buildings generally consist of three-story rowhouses, single-story industrial buildings, and one- to four-story commercial buildings. Northeast of the site, high-density office and residential buildings have been developed at Queens Plaza and Court Square and mid-rise, predominantly residential buildings have been developed along Jackson Avenue between Court Square and Queens Plaza. Within this transforming section of Hunter's Point, approximately 2,500 housing units have been recently occupied or are under construction and approximately 3.25 million square feet of new or renovated office space has been developed. In 2012, the Law School for the City University of New York moved into a portion of a recently developed office building at Court Square. MoMA PS1, a contemporary art

museum, is located directly across Jackson Avenue from the site and SculptureCenter is located four blocks east of the site. Numerous restaurants and local retail businesses have opened in response to the new developments. The Sunnyside Yards, an approximately 300-acre rail yard used by Amtrak, the Long Island Rail Road, and New Jersey Transit, abuts the site to the south and extends easterly and westerly for several blocks.

Except for the adjacent Sunnyside Yards, which are zoned M3-1 (2.0 FAR), blocks surrounding the site fall within three subdistricts of the LIC District. Blocks to the east of Davis Street are within Area C of the Queens Plaza Subdistrict and are zoned M1-5/R7-3. Three blocks to the northeast of Jackson Avenue are within the Court Square Subdistrict, which has an underlying C5-3 District with a maximum 15.0 FAR linked to mandatory subway improvements. Block frontages along Jackson Avenue to the west of the site are within the Hunters Point Subdistrict and are zoned R7X/C2-5 (5.0/2.0 FAR) on the north side of the street and M1-5/R7X (5.0 FAR) on the south side of the street.

In 2001, a special permit pursuant to Section 117-56 was approved (C 000483 ZSQ) for most of the subject site (Block 86, Lots 6 and 8 were not owned by the applicant at the time). The prior special permit would have facilitated an approximately 977,000 square-foot office building and approximately 45,555 square feet of public open areas. The largest public open area, consisting of approximately 18,250 square feet, would have been located at the corner of Jackson Avenue and Crane Street. The balance of the public open area would have consisted of landscaped sidewalk widenings along Crane and Davis streets. This special permit lapsed in 2005.

G&M Realty LLC is now proposing to develop a single building with two towers containing approximately 1,000 housing units, approximately 50,000 square feet of local retail uses (approximately 25,000 square feet on the ground floor and 25,000 square feet in the cellar), and approximately 2,200 square feet of artists' studios. Approximately 32,100 square feet of public open areas would be provided in a nearly continuous network around the perimeter of the site and a 250-space public parking garage would be located towards the southern end of the site.

The full-block building would consist of a base of varying heights – 60 feet along the Jackson Avenue frontage and the north and south ends of Crane Street, 40 feet along Davis Street, and 20 feet in the central portion of Crane Street – with two residential towers integrated into the base and organized around a central, private, landscaped courtyard. The North Tower would be 47 stories (466 feet; 498 feet to the top of the bulkhead) and the South Tower would be 41 stories (428 feet; 440 feet to the top of the bulkhead). Each tower would be anchored with shoulders of varying heights and widths to create a building massing transition from the base to the tower. The North Tower would be clad with continuous vertical panels up to the first setback at the Tower top and the South Tower would be clad with alternating vertical panels up to its tower top. A portion of each tower would rise without setback as part of a chevron design that would highlight centrally-located glass-enclosed elevator banks.

The building base would have a variety of surface treatments, multiple entrances, and active uses on all four sides. Local retail uses are proposed for most of the Jackson Avenue frontage and approximately 230 feet of frontage along Davis Street, beginning at Jackson Avenue and extending southerly toward the Sunnyside Yards. Artist studios and art window display niches are proposed for most of the non-retail portion of the Davis Street frontage. A 25 foot-wide curb cut for the public parking garage entrance/exit would be located approximately 40 feet from the southern end of the building wall along Davis Street. A private tenant recreation area and the South Public Open Area (described further below) would occupy the southern end of the site between Davis and Crane streets. The intersection of Crane Street and Jackson Avenue would be anchored by the Jackson Avenue Public Open Area and the North Tower building entrance. The remaining Crane Street frontage would be transparent and occupied by a small gallery, tenant recreation space, an entrance/exit to the public parking garage through a 25 foot-wide curb cut, and the South Public Open Area and Crane Street Improvement.

The proposed public open space would be located in four locations on the project site. The largest space, the South Public Open Area, comprising approximately 20,733 square feet, would be located at the southern end of the block and would be accessed from Crane and Davis streets. This largely passive public open space would have a natural form design consisting of a shaded

area with plantings, a landscaped art wall, an interactive water feature, low climbing features for children, a water feature and an abundance of social seating, including curvilinear seat walls and benches and other fixed and movable seating clusters. The open space design would facilitate pedestrian connections between Davis and Crane streets.

The Davis Street Public Open Area, totalling approximately 6,695 square feet, would be achieved through a 15- to 19-foot sidewalk widening along the entire length of Davis Street. This public open space would adjoin the existing 15 foot-wide sidewalk and consist of a centrally-located row of 15 trees interspersed with benches. The Davis Street Public Open Area would also include a sculpture located roughly mid-block and a second sculpture located adjacent to the South Public Open Space. A curb cut for the required loading berths for the retail space would also be located on Davis Street approximately 210 feet from its intersection with Jackson Avenue and adjacent to the retail space it would serve.

The Jackson Avenue Public Open Area would be located at the corner of Crane Street and Jackson Avenue and in front of the North Tower entrance. This approximately 2,785 square foot public open space would contain design elements similar to those for the South Public Open Area, including landscaping, curving seat walls with wooden benches, and seat pods for social seating.

The fourth public open space, the Crane Street Improvement, would be approximately 1,887 square feet of landscaped publicly accessible open space on the portion of the Block 86/72 that lies within the mapped bed of Crane Street, directly adjoining the South Public Open Area. Although this portion of the site is a mapped City street, it was never acquired by the City of New York and it has been used by the applicant as part of its public parking lot. The design of the Crane Street Improvement would be consistent with the design of the adjacent South Public Open Area and provide a green street end visible from Jackson Avenue.

The South Public Open Area and Crane Street Improvement would be open to the public from 7:00 AM to 8:00 PM between November 1 and April 14 and from 7:00 AM to 10:00 PM

between April 15 and October 31. The Jackson Avenue and Davis Street Public Open Areas would be open 24 hours a day. All of the public open areas would be maintained by the building owner, as per Section 117-56. Lighting would be provided by a combination of streetlights, pedestrian poles, building wall sconces, tree uplights, and underbench lighting.

The 250-space public parking garage would contain approximately 73,452 gross square feet of floor area and would be located in the cellar, ground floor, and second floor levels of the building. All of the public parking would be below 23 feet in height and would not count as floor area for zoning purposes, as per Section 117-56(b)(1). The garage would be entered and exited on either Crane or Davis Street through 25 foot-wide (including splays) curb cuts. Both curb cuts would be located approximately 400 feet from Jackson Avenue.

The applicant submitted a revised application on July 18, 2013 to increase the amount of proposed artist studio space by 10,000 square feet, provide approximately 75 units of housing affordable to individuals or families with incomes at or below 80 percent of the area median income, provide 3,300 square feet of outdoor art panels on the Davis Street facade of the proposed building, and refine the proposed lighting plan for the public open areas.

### **Action**

A special permit is requested pursuant to Section 117-56 of the Zoning Resolution to increase the allowed FAR up to a maximum of 8.0 and to modify the street wall regulations of Section 117-531(a) and the setback regulations 117-532(a) in the following locations:

- On Jackson Avenue, the street wall is proposed to be set back 70 feet from the street line at its intersection with Crane Street in order to facilitate the Jackson Avenue Public Open Area. Two recesses of two feet four inches in depth and 10 feet in width are also proposed for the Jackson Avenue street wall above the ground floor of the building;
- On Davis Street, the street wall is proposed to be set back 15 to 19 feet from the street line to facilitate the Davis Street Open Area;

- On Crane Street, the street wall is proposed to be set back 71 feet from the street line at its intersection with Jackson Avenue to facilitate the 71-foot-deep Jackson Avenue Public Open Area. Further south along Crane Street, the street wall is proposed to be set back six feet beyond the maximum allowed eight-foot setback to allow for an articulated building wall and landscaped building entrance at the South Tower;
- A portion of the North and South towers would rise without a required setback above the maximum 60-foot base height to facilitate a “chevron” architectural expression to highlight glass-enclosed elevator banks; and
- A portion of the South Tower would have a 10-foot setback above the maximum base height instead of a required 15 foot setback.

This special permit may be granted with the provision of a public open area of no less than 20,000 square feet and a public parking garage containing no fewer than 250 spaces. The public parking garage and public open area must comply with the findings and conditions spelled out for each of these elements in Section 117-56, paragraphs (a) and (b).

## **ENVIRONMENTAL REVIEW**

This application (C 130191 ZSQ) 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 13DCP094Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action (C 130191 ZSQ), a Conditional Negative Declaration was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project to inform them of the need to implement the following traffic mitigation:

A 1.0-second shift of green time at the Jackson Avenue and Davis Street/23rd Street intersection from the eastbound/westbound approaches to the northbound/southbound approaches is required during the AM and midday peak hours, respectively. A 3.0-second shift of green time is required during the PM peak hour.

The proposed action includes (E) designations on the project site in order to preclude future air quality, noise, and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation requirements will apply to Block 72, Lot 80 and Block 86, Lots 1, 6, 7, 8, and 22.

The (E) designation number is E-308, and supersedes the previous E-designation placed on the site (E-104).

The (E) designation text related to hazardous materials is as follows:

- Demolition of the on-site buildings would be in compliance with applicable regulatory requirements relating to asbestos-containing materials (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCBs) or mercury.
- The (E) designation would ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction. Specifically, additional pre-construction subsurface testing may need to be conducted in accordance with an Investigation Work Plan and Health and Safety Plan approved by the Office of Environmental Remediation (OER). Based on the results of the existing and any additional testing, the applicant would then prepare a RAP/CHASP, which would be submitted to OER for approval. The (E) designation would require that an approved RAP/CHASP be obtained in order to receive building permits prior to conducting soil disturbance. The (E) designation would also require that a Notice of Satisfaction be obtained (subsequent to the applicant submitting a Closure Report to OER documenting proper performance of all required procedures) before seeking Certificates of Occupancy for any newly constructed structures.
- Dewatering, if required, would be in accordance with applicable New York City Department of Environmental Protection (DEP) requirements (following pre-treatment, if necessary).

The (E) designation text related to air quality is as follows:

Any new development on Block 86, Lots 1, 6-8, 22 and Block 72, Lot 80, must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that exhaust stack(s) on the South Tower are located on the highest rooftop, and at are least 433 feet from the lot line facing Jackson Avenue, to avoid any potential significant air quality impacts. In addition, any new development on the site must also ensure that vents from the proposed garage do not exhaust to the on-site interior courtyard.

The (E) designation text related to noise is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide up to 48 dBA of window/wall attenuation to achieve interior noise levels of 45 dBA. Design requirements to attain this attenuation may include a closed window condition with alternate means of ventilation. Alternate means of ventilation include, but are not limited to, central air conditioning. In addition, special design features may be necessary (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.) to provide additional building attenuation. The specific attenuation requirements to be implemented throughout the project building facades are provided in the 22-44 Jackson Avenue EAS, Table J-5 and Figure J-4 (CEQR No. 13DCP094Q), April 2013.

The applicant signed the Conditional Negative Declaration on April 17, 2013. The Conditional Negative Declaration was published in the City Record on April 30, 2013 and the New York State Environmental Notice Bulletin on May 1, 2013. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received on the Conditional Negative Declaration. The applicant submitted a Revised EAS incorporating the ULURP modifications on August 15, 2013. A Revised Conditional Negative Declaration was issued on August 21, 2013 reflecting the revised application.

## **UNIFORM LAND USE REVIEW**

This application (C 130191 ZSQ) was certified as complete by the Department of City Planning on January 22, 2013 and was duly referred to Community Board 2 and the Borough President, in

accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application (C 130191 ZSQ) on March 7, 2013 and, on that date by a vote of 38 in favor, 0 opposed, and one abstention, adopted a resolution against the application with the following conditions:

It is the opinion of CB#2 that should such an outsized development be considered, that such development must, in return for the 60% increase in FAR, provide the community with some benefits, as it is the community that would be negatively affected by such an enormous project. Such benefits might include:

1. A 20% guaranty of middle income affordable housing;
2. 15,000 square feet of low cost artist studio space;
3. A street friendly and useable passive recreation area;
4. Improvements to mass transit access;
5. Accommodation for free or low cost short term parking for residents shopping or eating at neighborhood restaurants, car sharing concession;
6. A partnership with a local arts organization, such as PS1, the Sculpture Center or 5 Pointz to display art at the site and to enhance the streetscape on Jackson Avenue, Crane and Davis Streets;
7. A fund for local community groups to better the life of the residents of the community;
8. Space for community functions.

### **Borough President Recommendation**

This application (C 130191 ZSQ) was considered by the Borough President, who issued on July 16, 2013 a recommendation approving the application with the following condition:

"...that the agreements memorialized in the letter dated June 26, 2013 and jointly signed by the developer and CB 2 Chair are adhered to."

### **City Planning Commission Public Hearing**

On July 10, 2013 (Cal. No. 9), the City Planning Commission scheduled July 24, 2013 for a public hearing on this application (C 130191 ZSQ). The hearing was duly held on July 24, 2013 (Cal. No. 43). There were nine appearances in favor of the application and six appearances in opposition.

The speakers in favor of the application included the applicant, the applicant's representatives, the Second Vice-Chair of Community Board 2, and a representative of SCIU Local 32BJ. The applicant and its representatives and the representative of SCIU Local 32BJ testified to the economic importance of the project, both to the neighborhood and the city as a whole. The applicant and the applicant's representatives also testified about the project's other contributions to the community, including the new public open spaces, retail space, and the continuation of public graffiti art displays, albeit to a lesser extent than the current 5Pointz program. The applicant also testified that the proposed graffiti panels and other artist spaces would be managed similarly to the way 5Pointz has been managed to date and that he has already reached out to local artists for ideas on how to proceed. The applicant's architect also appeared in favor of the application.

The Second Vice-Chair of Community Board 2 testified to the reasons behind the community board's unfavorable recommendation and explained that the applicant, in response to the Community Board's negative vote, met with the board leadership and area residents shortly thereafter and agreed to modify the project to respond to many of the concerns outlined in the community board's resolution. The Community Board 2 representative testified that the applicant and Community Board 2 chair memorialized the agreed upon changes in a letter dated June 26, 2013.

The speakers in opposition included local residents, artists and volunteers at 5Pointz, a local business owner, and a teacher. All of the speakers indicated a strong love for art and the 5Pointz building and program and the need to preserve 5Pointz because of its contribution to the international art world. One of the speakers questioned the need for approximately 1,000 market rate apartments.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the special permit is appropriate.

The special permit application (C 130191 ZSQ) pursuant to Section 117-56 will increase the allowed floor area ratio on the 127,156-square foot site from 5.0 to 8.0 and modify the street wall location provisions of Section 117-531 and the setback provisions of Section 117-532(a) of the Zoning Resolution. The special permit will allow an additional 381,468 square feet of development and facilitate the construction of a 1,017,248 square-foot building containing residential and commercial uses. The development will include four public open areas totalling approximately 32,100 square feet and a 250-space public parking garage with 12 reservoir spaces. The Commission believes that 22-44 Jackson Avenue be an important addition to the evolving character of the Hunter's Point neighborhood.

The Commission believes that the requested street wall location and setback modifications are appropriate. The street wall location modifications result in a better site plan by providing for new public open areas along Jackson Avenue, Crane Street, and Davis Street, and a landscaped building entrance along Crane Street. The street wall articulation above the ground floor of the Jackson Avenue facade and the setback modifications at the two towers and the building base along Crane Street allow for variety in the building's massing.

The Commission believes the network of public open spaces, anchored by the 20,733 square-foot South Public Open Area at the southern end of the block, provides well-designed and much-needed recreation space for the community. The southern location allows the South Public Open Area to be merged with the applicant's property at the end of Crane Street, resulting in a larger public open area that will activate the Davis Street and Crane Street street ends. The design includes a landscaped art wall along the Sunnyside Yards, a variety of social seating opportunities, and a water feature and climbable animal sculptures for children. The space abuts the building's glass enclosed accessory pool area. The Jackson Avenue Public Open Area, situated directly across Jackson Avenue from MoMA PS1 and in front of the North Tower lobby, will provide a welcoming seating area for neighborhood residents, shoppers, and museum

attendees, while the balance of the Jackson Avenue frontage will have a pedestrian-scaled 60-foot maximum streetwall to reinforce the built context along this prime thoroughfare. The linear Davis Street Public Open Area, consisting of a central row of trees, benches, and public art, will be complemented and animated by ground floor retail, art windows, artist studios, and outdoor art panels.

The Commission believes the 250-space public parking garage, which can be entered or exited from either Davis or Crane street via 25 foot-wide curb cuts, is designed to minimize pedestrian conflicts. The Commission notes that mirrors and bell alarms will be used to alert pedestrians to exiting vehicles.

The Commission acknowledges the testimony of the Second Vice-Chair of Community Board 2 and the applicant's modification of the ULURP application and EAS to incorporate the elements agreed to in the June 26, 2013 letter referenced in the Community Board 2 representative's testimony; the Commission further acknowledges, however, the changes to the application related to the additional outdoor art panels, artist studio space, and affordable housing are illustrative and not the subject of the City Planning Commission's approval. The Commission also notes the testimony in support of 5Pointz at the Commission's public hearing as well as the applicant's testimony to continue working with local artists as the development of the new building and its art display programming proceeds.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403) of the Zoning Resolution:

- (1) the public open area is designed to that is provides recreational opportunities for the community;
- (2) the portion of the development or enlargement adjacent to the public open area shall be either a retail uses, or other use or treatment that complements the open area;

- (3) such modification of the street wall requirements is necessary to accommodate the public open area or the public parking garage and will result in a better site plan;
- (4) the public parking garage is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area;  
and
- (5) not applicable.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project to inform them of the need to implement the traffic signal adjustments at one intersection as specified in the Conditional Negative Declaration.

And be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by G&M Realty, L.P. pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, p/o Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), Borough of Queens, Community District

2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 130191 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by HTO Architect, PLLC and MPFP LLC/ M. Paul Friedberg & Partners, filed with this application and incorporated in this resolution:

<b><u>Drawing Nos.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-2.0	Site Key Plan	02/08/2013
Z-2.1	Site Plan	02/08/2013
Z-2.2	Site Plan	02/08/2013
Z-3.0	Zoning Analysis	07/15/2013
Z-4.0	Zoning Analysis	07/15/2013
Z-5.0	Base Plane Calculations	02/08/2013
Z-6.0	Public Access Diagram	02/08/2013
Z-7.0	Proposed Waivers	02/08/2013
Z-7.1	Proposed Detailed Waivers Areas	02/08/2013
Z-9.0	Ground Floor Garage Plan	07/15/2013
Z-10.0	Cellar Floor Garage Plan	02/08/2013
Z-11.0	2 <sup>nd</sup> Floor Garage Plan	07/15/2013
Z-12.0	Proposed Sections	02/08/2013
Z-13.0	Proposed Sections	02/08/2013
Z-14.0	Proposed Sections	02/08/2013
Z-15.0	Proposed Sections	02/08/2013

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-16.0	Proposed Waiver Sections	02/08/2013
Z-16.1	Proposed Waiver Sections	02/08/2013
Z-16.2	Proposed Waiver Sections	02/08/2013
L-100	Site Key Plan	07/17/2013
L-101	Key & Dimension Plan	07/17/2013
L-102	Key & Dimension Plan	07/17/2013
L-103	Paving Plan	07/17/2013
L-104	Paving Plan	07/17/2013
L-105	Planting Plan	07/17/2013
L-106	Planting Plan	07/17/2013
L-107	Lighting Plan	07/17/2013
L-108	Lighting Plan	07/17/2013
L-300	Bench Details	02/27/2013
L-301	Seating & Paving Details	04/08/2013
L-400	Furniture Details	02/08/2013
L-401	Material Details	04/08/2013

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its

construction, operation, and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.

5. Upon the failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

7. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

The above resolution (C 130191 ZSQ), duly adopted by the City Planning Commission on August 21, 2013 (Cal. No. 38), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ, MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**





# Community Board No. 2

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*Joseph Conley*  
Chairman

*Debra Markell Kleinert*  
District Manager

## Community Board 2 Motion

The Community Board #2 (Queens) rejects and opposes the instant application because we believe that should such special permit be granted, it will result in a windfall to the developer at great costs to the local residents, businesses, and commuters. CB 2 believes that the proposed increase from 5 FAR to 8 FAR is excessive, would result in a project of excessive size with an unsatisfactory design, and fails to provide sufficient amelioratory proposals to compensate the community for the resulting increased density and the resultant impact to the Court Square neighborhood.

This project, if permitted, would result in two high rise market rate rental apartment buildings, 42 and 47 stories respectively, which would be totally out of context with the existing community and fails to address the impact on the community. The thousands of additional residents would result in overcrowding of the subways, sidewalks and streets and would aggravate the already sub-standard availability of park and recreational space. It would result in the ouster of artists from the area and the increase in nearby rental rates for both business and residences. The project further fails to program needed retail and other services for the residents.

It is the opinion of CB#2 that should such an outsized development be considered, that such development must, in return for the 60% increase in FAR, provide the community with some benefits, as it is the community that would be negatively affected by such an enormous project. Such benefits might include:

1. A 20% guaranty of middle income affordable housing;
2. 15,000 square feet of low cost artist studio space;
3. A street friendly and useable passive recreation area;
4. Improvements to mass transit access;
5. Accommodation for free or low cost short term parking for residents shopping or eating at neighborhood restaurants, car sharing concession;
6. A partnership with a local arts organization, such as PS1, the Sculpture Center or 5 Pointz to display art at the site and to enhance the streetscape on Jackson Avenue, Crane and Davis Streets;
7. A fund for local community groups to better the life of the residents of the community,
8. Space for community functions.

### **Recommendation by the Land Use Committee for the Full Board vote on the Wolkoff Project**

This is an Application for a Special Permit for 1) a modification of the street wall location provisions, 2) an increase of 3.0 in the floor area ratio for a mixed use development on blocks 86/72 with the provision of a minimum of 20,000 sf of publicly accessible open area and a public parking garage of 250 spaces.

The Community Board votes "No" on the Application for a special permit to allow an increase from 5 FAR to 8 FAR for this project. The Land Use Committee recommends voting "No" due to the project's excessive size and unsatisfactory design which fails to provide sufficient community benefits for the increased density to the impacted Court Square neighborhood.

This project will result in two high rise market rate rental apartment buildings, 42 and 47 stories, respectively. The community is being asked to provide a development bonus for this project, which will result in an additional 370 units or a nearly 40% increase over the 628 units which would be permitted "as of right", without the special permit. At \$100 per SF for a 1000 SF apartment this would result in an estimated \$37,000,000 economic benefit to the developer. The project will also have 12,000 SF gym, pool, yoga room, rock climbing, party, meeting room, none of which are proposed to be open to the public. The developer has not expressed an interest or made any commitment to provide affordable housing with the complex.

The project also includes:

#### **50,000 SF Retail Space**

It is as yet unclear how this space is to be programmed and the developer has not expressed any preference to serve local small businesses, including artists for this space.

#### **30,000 SF Open Space**

According to the architectural rendering, the vast majority of the proposed space will be located either adjacent to or below the elevated #7 subway line. In addition, a good portion of the proposed space is comprised of widened sidewalks on Crane and Davis Streets with 10% or 3000 SF facing PS1 on Jackson Avenue. The park space in the rear of the building is designed to include a token gesture to the artist community with a proposed art wall. The open space will not be a peaceful oasis as portrayed in the renderings but a noisy open area most of which is located close to or under the gritty elevated subway.

#### **250 Parking Spaces**

The parking garage is proposed to be operating by a typical parking garage operator and there is no special preference for free short term parking, zip cars or other benefits that might be useful to neighborhood residents.

#### **2000 SF for Artist Studio Spaces**

A 400 SF per unit this would result in 5 artist studio spaces. As real estate values continue to skyrocket

in this neighborhood, affordable artist studio space is quickly becoming a thing of the past. Given the history and commitment of the developer to the arts community this token gesture is insufficient.

For increased size and density of this project, the proposed open space and inclusion of 5 studio spaces and an art wall in the park is an insufficient tradeoff for the community to accept a 40% increase in the number of units in this project. The Land Use Committee recommends that the full Board votes no on this application.

# Queens Borough President Recommendation

APPLICATION: ULURP# 130191 ZSQ

COMMUNITY BOARD: Q02

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by G&M Realty, L.P. pursuant to sections 197-c and 201 of the NYC Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the minimum base height) in connection with a proposed mixed-use development on property located in an M1-5/R7-3 District, within the Queens Plaza Subdistrict, Area C of the Special Long Island City Mixed Use District at **22-44 Jackson Avenue**, Block 72, part of Lot 80, Zoning Map 9b, Long Island City, Borough of Queens.

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 27, 2013 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There was One (1) speaker in favor and one (1) against. The hearing was closed.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- o The applicant is requesting a Special Permit that allows an increase of floor area from 5 FAR to 8 FAR in return for the provision of at least 20,000 sf of public open space and a 250 car parking garage.;
- o The proposed approximately 1.017 million sf development would include approximately 1000 residential units in two residential towers (47- & 41-stories) built on a 2-5 story base, a 250 car parking garage, 28,964 sf of commercial space, 26,752 sf of ground floor local retail space, approximately 32,099 sf of landscaped publicly accessible privately owned open space. 20,733 sf South Public Open Area, 2785 sf sitting area on Jackson Avenue and 6694 sf widened sidewalk on Davis Street;
- o The site is a M1-5/R7-3 district on a block generally bounded by Jackson Avenue to the north, Davis Street to the east, Sunnyside Yard to the south and Crane Street to the west. It is located in the Queens Plaza Subdistrict Area C of the Special Long Island City Mixed Use District. The area is developed as indicated by the special district within mixed industrial residential area. This site is somewhat unique because over the last approximately 15 years with the applicant's cooperation it has become known as 5Pointz. The applicant allowed one of the tenants to paint the exterior walls with graffiti murals on a temporary basis. Over the years, other artists were allowed to paint and exhibit their work on the walls.;
- o Community Board 2 (CB2) disapproved this application by a vote of thirty-eight (38) against with none (0) in favor and one (1) abstention at a public hearing held on June 6, 2013. CB2's objections are summarized as follows: the project is too large and out of character with the neighborhood; lack of benefit to the community; no proposed affordable housing; the need for at least 15,000 sf low cost artist studio space; street friendly and usable passive recreation area; mass transit access improvements; low cost parking; partnership with arts institution to display art and streetscape improvements; funding to local community groups for quality of life improvements and space for community organization functions.;
- o Subsequent to the CB 2 public meeting and vote, the developer had discussions with the community board leadership regarding the board's reasons for disapproval of the application. The result of these communications was a letter, dated June 26, 2013, signed by both the applicant and the CB 2 Chair outlining a series of improvements and benefits that the developer will provide for the community. The letter is summarized as follows: 75 units of affordable housing with preferences for CB 2 residents, civil servants, veterans and seniors; 12,000 sf of space for artist studios; working partnership with local art institution (PS 1 Sculpture Studio) for management of art display panels

along Davis Street; increased display of art to promote work and artists throughout the development where feasible as determined by the owner; development of parking rate promotions including car share; below market rate parking; encouragement of small neighborhood retail; monthly access to meeting space for community organizations by request at no charge.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application on the condition that the agreements memorialized in the letter dated June 26, 2013 and jointly signed by the developer and CB 2 Chair are adhered to.

Helen M. Marshall      7/6/13  
PRESIDENT, BOROUGH OF QUEENS      DATE