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**IN THE MATTER OF** an application submitted by 2632 Jackson LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 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) to facilitate a proposed 49-story mixed-use development on property located at 26-32 and 26-46 Jackson Avenue (Block 267, Lots 21 & 25), in an M1-5/R9 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict - Area B), Borough of Queens, Community District 2.

\*197-d(2)(B) eligible

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This application for a special permit to modify bulk requirements in the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District to provide an adequate setback from the Queensboro Bridge approach ramps was submitted by the applicant, 2632 Jackson LLC, on May 3, 2018. This application, in conjunction with the related action, would facilitate the construction of a 49-story, mixed residential and commercial building at 26-32 Jackson Avenue in the Court Square neighborhood of Long Island City, Queens, Community District 2.

**RELATED ACTION**

In addition to the special permit (C 180384 ZSQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 180386 PPQ**      Disposition of City-owned property to an adjacent, privately-owned development site.

**BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for the disposition of City-owned property (C 180386 PPQ).

## **ENVIRONMENTAL REVIEW**

This application (C 180384 ZSQ), in conjunction with the application for the related action (C 180386 PPQ), 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 lead agency is the Department of Housing Preservation and Development. The designated CEQR number is 18HPD041Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 3, 2018.

## **UNIFORM LAND USE REVIEW**

This application (C 180384 ZSQ) and the application for the related action (C 180386 PPQ) were certified as complete by the Department of City Planning on May 7, 2018 and duly referred to Queens Community Board 2 and the Queens Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Queens Community Board 2 held a public hearing on this application (C 180384 ZSQ) on June 7, 2018 and on that date, by a vote of 33 in favor, one opposed, and with none abstaining voted to recommend disapproval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 180384 ZSQ) on June 21, 2018, and on July 23, 2018 issued a recommendation of disapproval of the application with conditions.

A summary of Borough President's recommendation appears in the report on the related application for the disposition of City-owned property (C 180386 PPQ).

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

On July 25, 2018, (Calendar No. 13), the City Planning Commission scheduled July 25, 2018 for a public hearing on this application (C 180384 ZSQ) and the related application (C 180386 PPQ). The hearing was duly held on July 25, 2018 (Calendar No. 34).

There were eight speakers, as described in the report on the related application for the disposition of City-owned property (C 180386 PPQ), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 180384 ZSQ), in conjunction with the related application (C 180386 PPQ), was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 17-077.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The City Planning Commission believes that this application (C 180384 ZSQ), in conjunction with the related application (C 180386 PPQ), is appropriate. A full consideration and analysis of issues and reasons for approving this application appear in the report for the related disposition of City-owned property (C 180386 PPQ).

### **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to ZR Section 117-533 of the Zoning Resolution.

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

- 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;
- c) such #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- d) such #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- e) such #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 3, 2018 with respect to this application (CEQR No. 18HPD041Q), the Department of Housing Preservation and Development finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the application submitted by 2632 Jackson LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 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) to facilitate a proposed 49-story, mixed-use development on property located at 26-32 and 26-46 Jackson Avenue (Block 267, Lots 21 & 25), in an M1-5/R9 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict - Area B), Borough of Queens, Community District 2, is approved and subject to the following terms and conditions:

1. The property that is the subject of this application (C 180384 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 SLCE Architects, LLC, filed with this application and incorporated in this resolution:

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-001	Zoning Analysis	05/02/2018
Z-002	Zoning Lot Site Plan	04/26/2018
Z-004	Waiver Plan	04/26/2018
Z-005	Waiver Sections	05/02/2018
Z-006	Waiver Sections	05/02/2018

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 computation 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 other 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.

The above resolution (C 180384 ZSQ), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 24), 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.

**MARISA LAGO**, *Chair*

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

**ALFRED C. CERULLO, III, MICHELLE DE LA UZ, JOSEPH I. DOUEK,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ,**

*Commissioners*