



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**REVISED CONDITIONAL NEGATIVE DECLARATION**  
**Supersedes the Conditional Negative Declaration issued on April 19, 2013**

**22-44 Jackson Avenue**  
CEQR No. 13DCP094Q  
ULURP No. 130191ZSQ  
SEQRA Classification: Unlisted

**Lead Agency**  
City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

**Name, Description and Location of Proposal:**

**22-44 Jackson Avenue**

After the Conditional Negative Declaration was issued on April 19, 2013, the applicant submitted a revised ULURP application incorporating modifications to the proposed project. The modifications are based on an agreement between the applicant and Queens Community Board 2 to provide additional community benefits with the proposed project. The effects of the modifications are analyzed in a Technical Memorandum appended to a Revised Environmental Assessment Statement (EAS), dated August 16, 2013. The modifications pertaining to the number of affordable units, increasing the amount of artist space on the second and third floors, and the new art panels are governed by the ULURP application and are reflected in the revised ULURP drawings. Modifications concerning the demising walls for the additional artist space and the number of artist studios are illustrative. Project elements related to the proposed parking garage, leasing of the commercial space, and the availability of community facility spaces are operational commitments of the proposed project. The Revised EAS found that the modifications do not alter the conclusions of the previous environmental review.

The applicant, G&M Realty, L.P., is seeking a special permit pursuant to Zoning Resolution (ZR) Section 117-56 (Bulk Modifications on Blocks 86/72 and 403) to allow an increase in the maximum floor area ratio (FAR) from 5.0 to 8.0 and to modify the street wall regulations of ZR Section 117-531 (Street wall location) and the setback regulations of ZR Section 117-532 (Setback regulations for buildings that exceed the maximum base height). The proposed action would facilitate a proposal by the applicant to construct a mixed residential and commercial building consisting of two residential towers; a 32,099 square foot publicly accessible open space; and a 250 space public parking garage.

**22-44 Jackson Avenue**  
**CEQR No. 13DCP094Q**  
*Conditional Negative Declaration*

The project site is located at 22-44 Jackson Avenue in the Hunters Point neighborhood of Queens, Community District 2. The site is bounded by Jackson Avenue to the north, Davis Street and the elevated No. 7 train to the east, the Sunnyside Yards to the south, and Crane Street to the west, and is located in an M1-5/R7-3 zoning district within Area C of the Queens Plaza (QP) Subdistrict of the Special Long Island City Mixed Use District (Special LIC District). Currently, the project site consists of all of the tax lots on Block 86 and lot 80 of Block 72, totaling 127,156 square feet of lot area. 5Pointz, an interconnected series of four- to six-story loft buildings whose exterior is completely covered by graffiti murals, is the predominant land use on the site. In addition, a 100-car public parking lot is located at the southern end of the block adjacent to the Sunnyside Yards.

The M1-5/R7-3 district within Area C of the QP Subdistrict allows a maximum FAR of 5.0 and maximum lot coverage of 70 percent for all uses. Within the QP Subdistrict, special street wall requirements apply to wide streets (such as Jackson Avenue) and narrow streets (such as Crane and Davis Streets). In general, setback regulations require developments in Area C must to provide a minimum base height of 60 feet and a maximum base height of 100 feet. However, this minimum base height requirement is waived for a block adjacent to a narrow street along which there is an elevated structure, such as the block on which the project site is located. No accessory parking is required for development on the project site.

The applicant intends to redevelop the project site with a with a mixed residential and commercial development containing 1,170,299 gross square feet (gsf) of floor area (for a total of 8.0 FAR), consisting of 1,000 dwelling units, 45,609 gsf of residential amenity space, 50,302 gsf of retail space, 2,280 gsf of artist work space, 32,099 sf of publicly accessible open space, and a 250-space public parking garage. The 250-space public parking garage is required by the special permit and would occupy approximately 72,185 gsf in the cellar, ground, and second floors (below 23 feet above grade). The proposed garage would have two means of egress/ingress, with one curb cut on Crane Street and the other on Davis Street.

The proposed special permit requires that at least 20,000 square feet of publicly accessible open space be provided, and the proposed project would provide 32,099 sf spread throughout various areas of the project site. Modifying the street wall requirements would allow a publicly accessible landscaped sitting area at the northwest corner of the block, two recesses in the building frontage above the ground floor, and a widened sidewalk along Davis Street, which would allow the placement of trees and benches and the building to be pulled back from the elevated train tracks. Along Crane Street, the modified street wall requirements are needed to allow for the required publicly accessible open space areas.

Modifying the setback requirements would allow the applicant to build two residential towers, of approximately 47 and 41 stories (or 440 and 498 feet, respectively, to the top of the bulkhead), above 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.

Absent the proposed action, the applicant has stated that the project site would be developed with an as-of-right mixed use building consisting of approximately 628 dwelling units, 50,240 gsf of

retail space and an accessory 225-space parking garage. The applicant has entered the project site into the New York State Brownfield Cleanup Program (NYSDEC Site C241138), which requires investigation and remediation of the project site prior to redevelopment.

The proposed project is expected to be constructed in two phases, with the foundation, building base, and first tower being completed by 2015 and the second phase, consisting of the second tower, completed by 2017.

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 the project site on the following block and lots:

Block 72      Lot    80  
Block 86      Lot(s) 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 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.**

#### **Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the EAS dated April 18 and the Revised EAS, dated August 15, 2013, prepared in connection with the ULURP Application (No. 130191ZSQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. 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 mitigations:
  - 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.

#### **Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. The traffic analysis indicates that project-generated traffic has the potential to generate significant adverse impacts at Jackson Avenue and Davis Street/23rd Street, which is adjacent to the project site. The proposed signal timing modifications would fully mitigate the potential impacts at this intersection. Pursuant to a memo from the Department of Transportation, the proposed mitigation measures were deemed to be

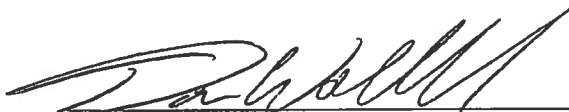
reasonable and appropriate. DOT has also agreed to investigate the feasibility of implementing the mitigation measures once the project is built and occupied. Consequently, no significant adverse impacts related to traffic would occur.

2. The Construction analysis concludes that the proposed project would not result in significant adverse impacts during construction. The applicant has committed to implementing the Best Available Technology for construction equipment in order to reduce construction-related effects of the project to the greatest extent feasible, including a Construction Noise Mitigation Plan, diesel reduction measures, clean fuel, best available tailpipe reduction technologies, dust control measures and restrictions on vehicle idling.
3. The (E) designation for hazardous materials, air quality and noise would ensure that the proposed action would not result in significant adverse impacts.
4. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

  
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Signature of Applicant or Authorized Representative

Date: 8/16/13

  
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Name of Applicant or Authorized Representative

*Robert Dobruskin*

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Robert Dobruskin, Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: 8/16/13

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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: 8/21/13