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Environmental Review Technical Memorandum

5 Pointz Project (CEQR No. 13DCP094Q)

22-44 Jackson Avenue, Long Island City

April 2, 2019

Introduction

An application for zoning modifications has been submitted to the New York City Planning Commission (“CPC”) on behalf of G & M Realty LP (the “Applicant”), the owner of the property located at 22-44 Jackson Avenue (Block 86, Lot 1; the “Development Site”). The Development Site is a full block bounded by Davis Street to the northeast, Jackson Avenue to the northwest, Crane Street to the southwest, and the Sunnyside Yards to the southeast and is approximately 128,150 square feet in size. Zoning that pertains to the site is a M1-5/R7-3 mixed-use district, the Special Long Island City District (“LIC”), and LIC’s Queens Plaza Subdistrict–Area C (“QPS–Area C”).

The application under review is for minor modifications to a Special Permit that was approved by CPC on August 21, 2013 (C 130191 ZQM; the “2013 Special Permit”). The 2013 Special Permit allowed a Floor Area Ratio (“FAR”) increase and modified street wall requirements for a proposed mixed-use residential development (the “Approved Project”). Since that approval, certain project design details were refined resulting in a “Modified Project” which is comprised of minor street wall modifications along Davis Street, near Jackson Avenue, minor street wall modifications along Crane Street, and minor street wall encroachment height modifications along Crane Street.

I. Proposed Minor Modifications

The project, currently under construction, requires the following Minor Modifications of the 2013 Special Permit and Approved Project:

- (1) **Minor Modification for the Street Wall Location along Davis Street (near Jackson Avenue).** The 2013 Special Permit granted street wall location waivers along Davis Street, which allowed street walls 15 feet within 50 feet of Jackson Avenue and 15 feet and 19 feet from the street line beyond 50 feet and within 100 feet of Jackson Avenue. It was CPC’s determination that these waivers promoted a better site plan by setting back the proposed building from the street line and away from the elevated subway, creating the Davis Street Public Area.

The Modified Project provides a 17-foot street wall setback from the street line for the first 73 feet from Jackson Avenue. That portion of the proposed building’s façade is now 2 feet

farther from Davis Street than the Approved Project. The remaining 27 feet of the Davis Street frontage, within 100 feet of Jackson Avenue, maintains the original 19-foot street wall setback granted in the 2013 Special Permit. The additional 2-foot setback is in response to sub-surface conditions that required modifying the location of the foundation footings. As a result, the location of the street wall is setback farther from the street line thereby providing a wider public open area and improved site plan with an additional 146 square feet of public open space added to the Davis Street Public Open Area.

- (2) **Minor Modification for the Street wall location along Crane Street (at the South Tower's entrance lobby).** The 2013 Special Permit granted street wall location waivers along Crane Street between 8 feet and 14 feet 11 inches for a length of 34 feet, 3 inches at the project's South Tower entrance, and street wall location waivers between 8 feet and 12 feet, 3¼ inches from Crane Street south of the South Tower entrance. It was CPC's determination that these waivers promoted a better site plan by setting back the proposed street wall and providing open space and street wall articulation along Crane Street.

The Modified Project reduces the street wall setback from Crane Street at the South Tower's entrance but maintains the street wall setback from Crane Street south of the South Tower's entrance. The modified location of the street wall waiver is between 8 feet and 14 feet 11 inches away from Crane Street for a length of 34 feet 3 inches at the South Tower entrance. This reduction of the street wall setback from Crane Street was necessary to allow the South Tower lobby to project farther out of the podium base to accommodate coordination with structural and vertical transportation requirements and to provide a more functional lobby. The lobby extension rises to a height of only 1-story (17 feet, 11 inches), although the minimum street wall height required is 60 feet.

With this modification, there is no loss of dedicated public open space and the street wall location of the lobby extension facing Crane Street is in greater accordance with the underlying zoning. The original street wall location waivers were granted to provide a better site plan with open space and street wall articulation. Therefore, the modified location of the street wall maintains a good site plan, provides an open area and street wall articulation, with the same merit as those modified street walls of the Approved Project.

- (3) **Minor Modification for the Waiver of Street wall encroachment heights at the top of the Proposed Project.** The 2013 Special Permit granted setback waivers (setback encroachments) for street walls, above the maximum base height, for portions of the proposed building along Crane Street. CPC granted seven areas of encroachments, with varying heights: three for the lower tower floors of the North Tower, one for the top of the North Tower, two for the lower tower floors of the South Tower, and one for the top of the South Tower.

The Modified Project maintains the locations, in plan, of the proposed street wall encroachments. However, advanced structural and mechanical coordination led to height modifications throughout the proposed building and the heights of the applicable street wall encroachments for five of the seven waivers granted in the 2013 Special Permit, therefore need to be extended.

The proposed building's towers are now constructed with slightly different floor-to-ceiling heights and an additional story added to the South Tower to achieve the approved zoning floor area. Although the street wall locations, in plan, for each tower remain the same as shown on the 2013 Special Permit plans, the increased heights of portions of each of the

two towers where such encroachments were permitted needs to be increased to reflect the as-built condition.

In the North Tower, the Approved Project has four approved street wall encroachments: (1) the 6th to 11th floors in the Lower Tower Floors, from 60 feet to 126 feet above curb level, at the northwest corner; (2) the 6th to 47th floors, from 60 feet to 478 feet above curb level at the northwest corner, (3) the 6th floor to the top of the bulkhead, from 60 feet to 498 feet at the corner of the tower, and (4) the 6th to 11th floors, from 60 feet to 126 feet above curb level at the southwest corner. The proposed Minor Modification would increase encroachments (3) and (4) by 6.39 feet and 1.01 feet, respectively.

In the South Tower, the Approved Project permitted three street wall encroachments: (a) the 6th to 37th floors in the Lower Tower Floors, from 60 feet to 126 feet above curb level, at the west corner, (b) the 6th floor to the top of the bulkhead, from 60 feet to 440 feet at the west corner of the tower, and (c) the 6th to 11th floors, from 60 feet to 118 feet above curb level at the southern Lower Tower Floors. The proposed Minor Modification would increase these encroachments by 4.51 feet, 3.45 feet, and 1.43 feet, respectively.

3. Environmental Analysis of the Proposed Modifications

Introduction

An Environmental Assessment Statement (“EAS”) was prepared for the Approved Project for which a Negative Declaration was issued in 2013 (CEQR No. 13DCP094Q). The need for the EAS was to provide environmental documentation of the potential for impacts related to decision making for discretionary actions that included a request for a Special Permit to allow an increase in FAR from 5.0 to 8.0, with the inclusion of 20,000 square feet of on-site public open space, and the provision of a 250 parking space garage. Waivers of height and setback requirements to address proposed building design configurations were also requested as part of that application.

The 2013 EAS was prepared following the procedures of City Environmental Quality Review (“CEQR”), and the EAS provided detailed analyses for the following technical areas: land use, zoning, and public policy, socioeconomic conditions, community facilities, open space, shadows, urban design and visual resources, hazardous materials, transportation, air quality, and noise. The Approved Project did not exceed the threshold requirements requiring any detailed analyses for other technical areas of the manual (e.g., energy, infrastructure, etc.).

As described above, the building designs with the Modified Project are similar to the Approved Project, with the three above-described exceptions that are the subject of this minor modification. There would also be no change to the amount of development or to the uses on Development Site, which would remain the same as that analyzed in the 2013 EAS. With the proposed modifications there would also be no change in the total floor area of the development which would remain the same as that analyzed in the 2013 EAS. Therefore, since the Modified Project is related to minor changes in setbacks it would not affect the conclusions of the 2013 EAS with respect to land use, zoning, and public policy, socioeconomic conditions, community facilities, open space, transportation, hazardous materials, open space, noise, and air quality impact assessments.

The three above-described design exceptions are therefore analyzed below with respect to the City’s 2014 *CEQR Technical Manual* and the two technical areas potentially affected by modifications to the building configuration, which are shadows and urban design.

Analysis of EAS Technical Areas Affected by the Proposed Modifications in the Modified Project

Shadow Analysis

A detailed shadow assessment was performed for the 2013 EAS to assess whether the Approved Project would result in any significant adverse shadow impact on sunlight-sensitive resources in the shadow analysis study area. Based on the *CEQR Technical Manual*, sunlight-sensitive resources can include Greenstreets, public open spaces, architectural features of historic buildings, and natural features. The resources that were identified in the 2013 EAS included Greenstreets, Short and McKenna Triangles along Jackson Avenue, Court Square Park, Citibank Plaza, Rafferty Triangle, and Murray Playground, all of which are publically accessible open spaces within the area that could potentially be impacted by incremental shadows from the Approved Project (see also the attached figure and **Table 1**, below). It was the conclusion of the 2013 EAS shadow analysis that the Approved Project would generate additional incremental shadows, but these incremental shadows would not significantly impact these open space resources.

Table 1
Open Space Resources Analyzed in the 2013 EAS

Map ID No. ¹	Name
1	Gordon Triangle
2	John F. Murray Playground
3	Greenstreets triangle at Jackson and 46th Avenues
4	Albert Short Triangle
5	McKenna Triangle
6	Court Square Park
7	Citibank Plaza
8	Rafferty Triangle
9	Triangle at 44th Rd and Crescent St (Sundial Park)
10	Triangle at Hunter and 27th Streets (Hunter Street Park)
11	Greenstreets traffic island at 28th St and 42nd Rd
12	LIC Roots Community Garden/Michael Brennan Memorial
13	New York State Dog Run
Note: For locations of the above referenced open spaces see the attached shadow diagrams.	

To examine the potential for incremental shadow impacts of the proposed modifications on sunlight sensitive resources, shadow modeling was performed by HTO Architects to compare the Approved Project with the Modified Project and to assess the potential for any incremental shadow impact on these open spaces with the proposed modifications. This comparison is shown on the attached shadow analysis figures (see Exhibit A: Previously Approved Special Permit Drawings. Original Shadow Studies-2012, Exhibit B: Revised Special Permit Drawings, Revised

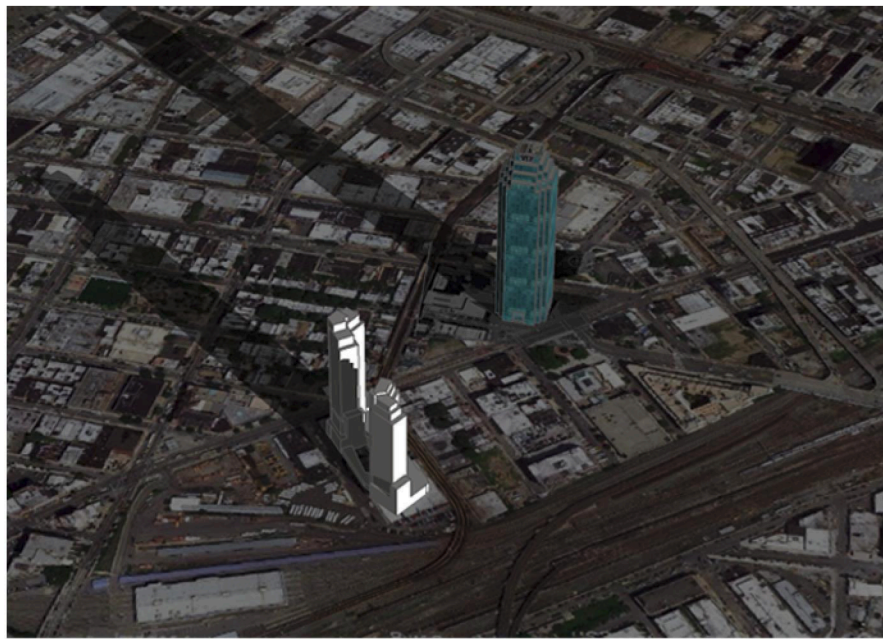
Shadow Studies, 2018, and Exhibit A vs. B Comparison). The analysis period shown in the comparison diagrams is the December 21 period. The December 21st Analysis period was the analysis period in the 2013 EAS during which sunlight-sensitive resources experienced the longest duration of shadows as a result of the Approved Project. Because the December 21st Analysis Period was the analysis period during which the Approved Project had the greatest effects on open space resources, the Technical Memorandum analyzed this period to determine if the Modified Project had the potential to result in new significant adverse shadows impacts. As shown on the attached Exhibit A and B comparison, the added incremental shadow between the Approved Project and the Modified Project during the December 21 analysis period would fall entirely on the roofs or windows of existing buildings or paved surfaces and would not impact any sunlight sensitive resources as identified in the 2013 EAS or defined by the CEQR Technical Manual (e.g., public spaces, public vegetation, or historic resources that are sunlight dependent such as stained glass windows). Therefore, it is concluded that the Modified Project would not result in any new or additional shadow impacts that would change the conclusions of the 2013 EAS.

Urban Design and Visual Resources Analysis

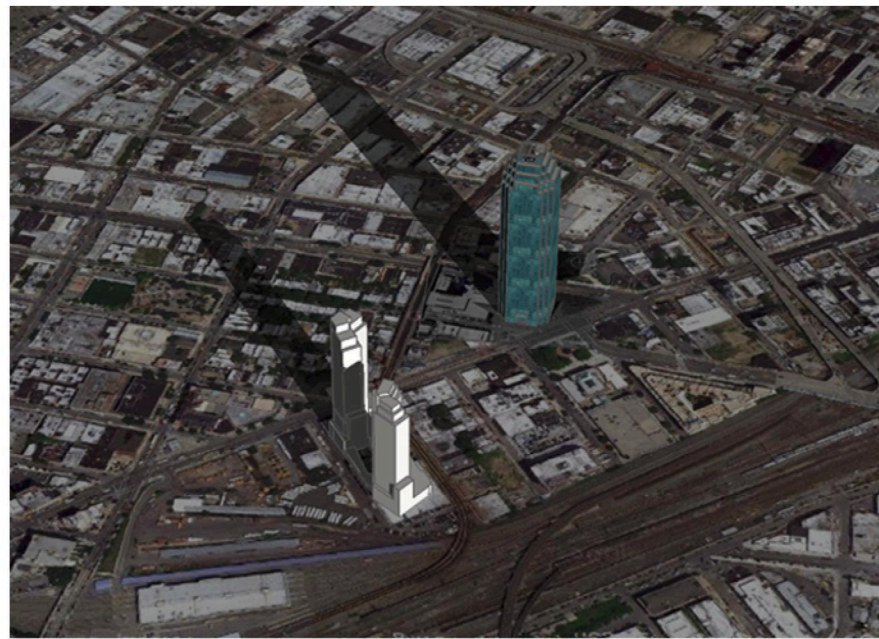
A detailed urban design and visual resources assessment was prepared for the 2013 EAS to determine whether the Approved Project would result in any significant adverse impacts related to urban design and visual resources. It was the conclusion of the 2013 EAS assessment that the proposed action would not negatively affect the vitality, walkability, and visual character of the area and that it would not result in any significant adverse impacts to urban design and visual resources.

The proposed modifications would not result in any significant changes to the above-described urban design or visual resource character conclusions as presented in the 2013 EAS. As shown on the attached Figure Z-16.1, modifications in the building height are also limited to 6½ feet or less and therefore the impacts of this change on urban design and visual character will be imperceptible from the pedestrian view. As described above and shown on the attached Figure Z-6.0 (“Public Access Diagram”) the reductions in public street level open space (e.g., the southwest corner of the site) are also offset by commensurate increases in open space at other locations on the site (e.g., the northwest corner), with the net result being an increase in public open space in areas that would not be affected by shadows.

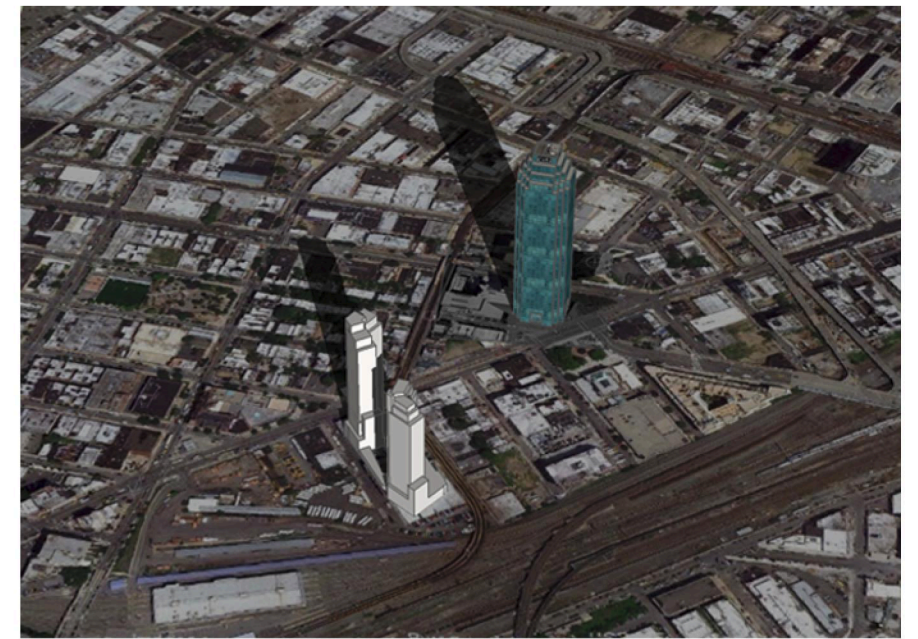
For the above reasons, it is therefore concluded that the Modified Project would not result in any new or additional urban design or visual character impacts that would change the conclusions of the 2013 EAS.



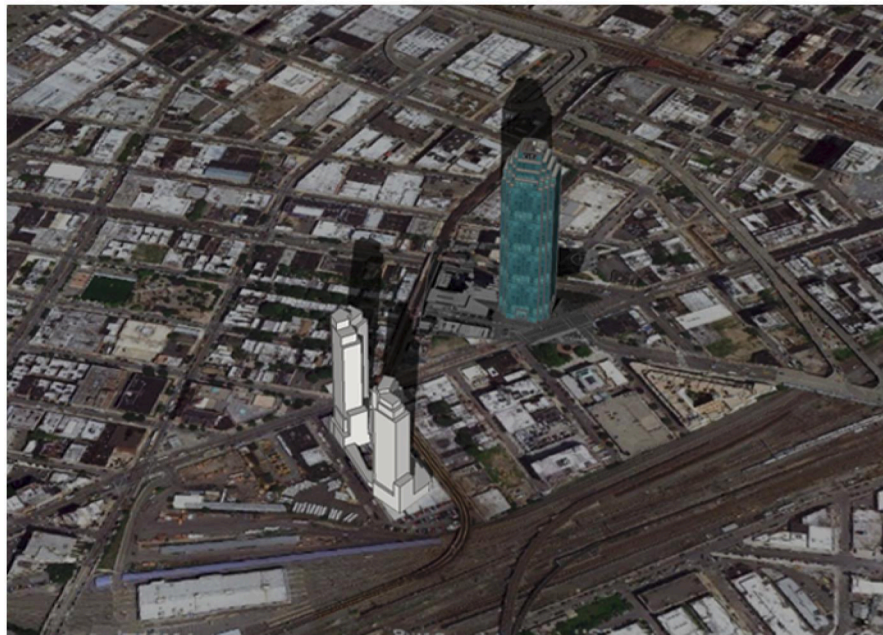
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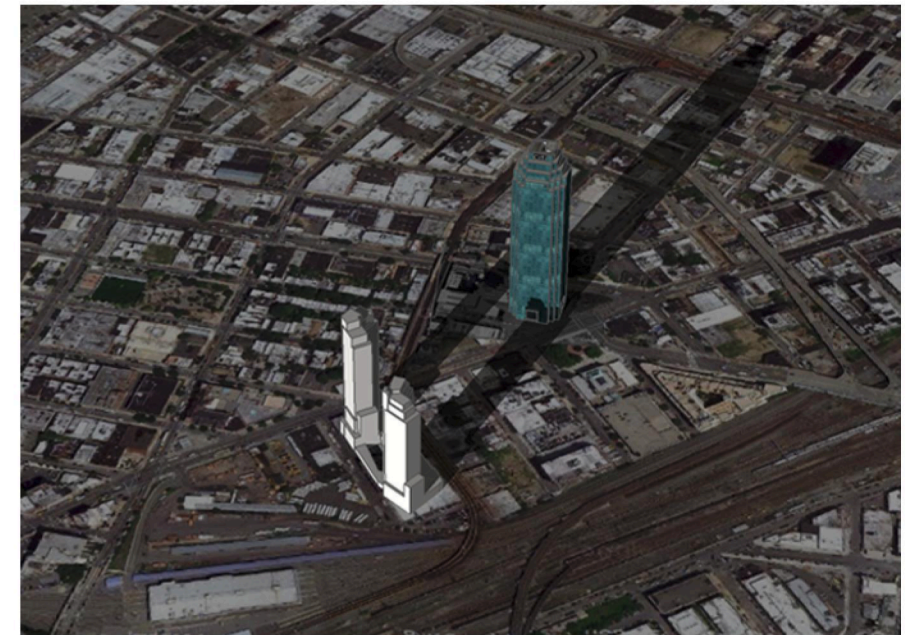
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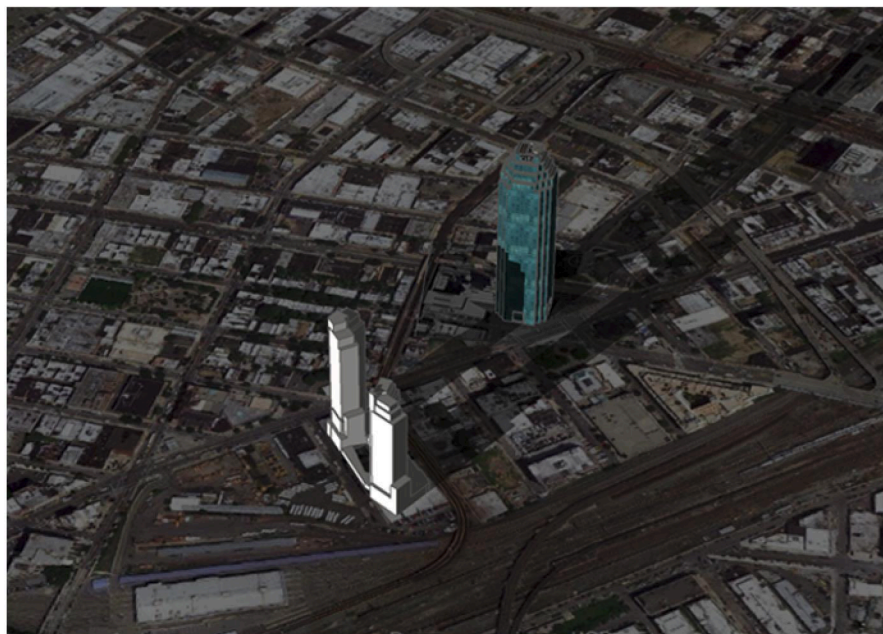
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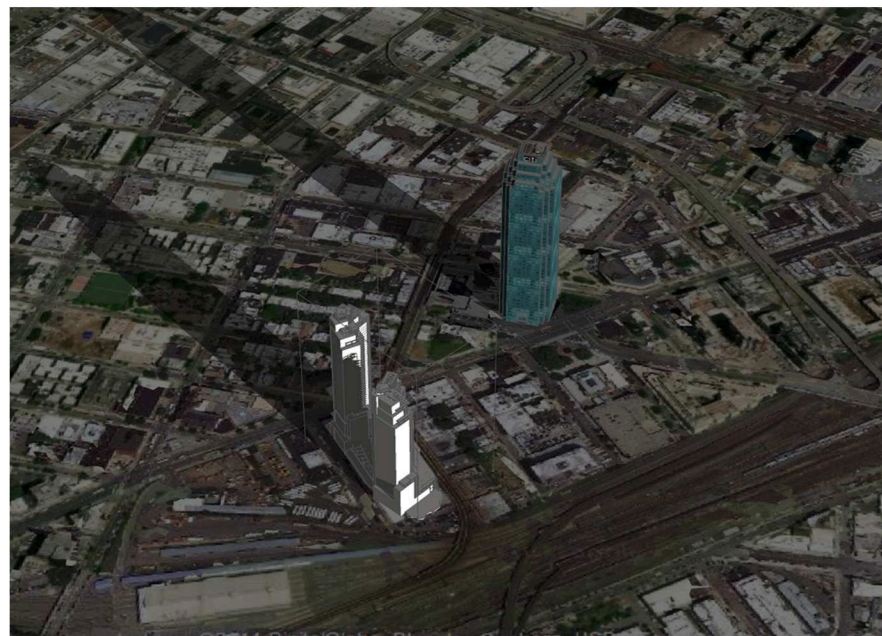


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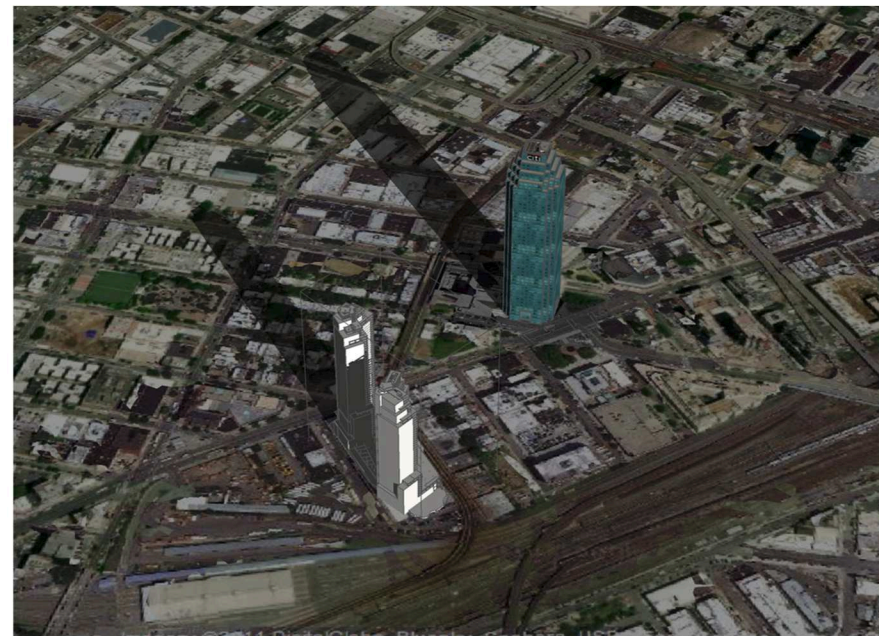


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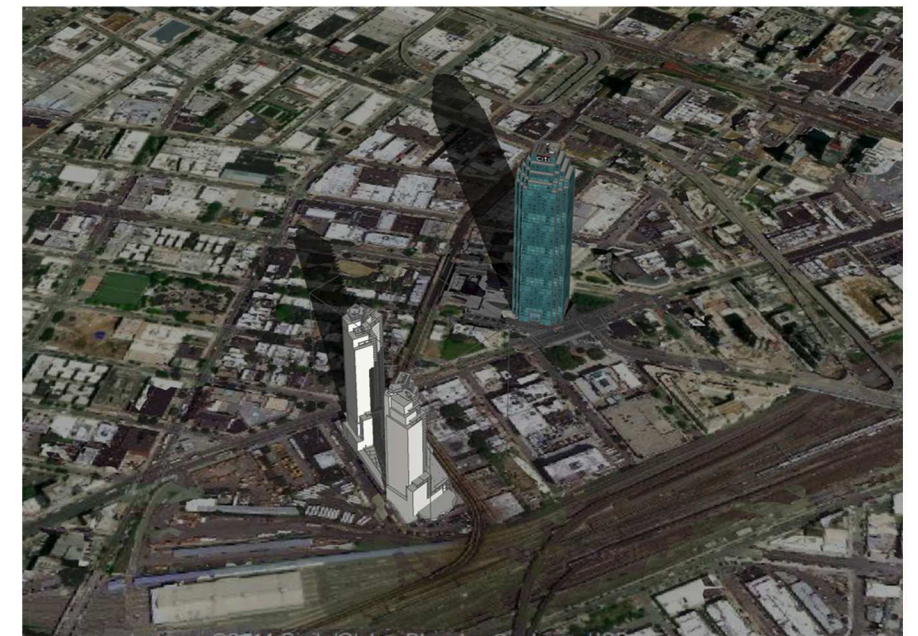
Exhibit A - Previously Approved Special Permit Drawings *Original Shadow Studies - 2012*



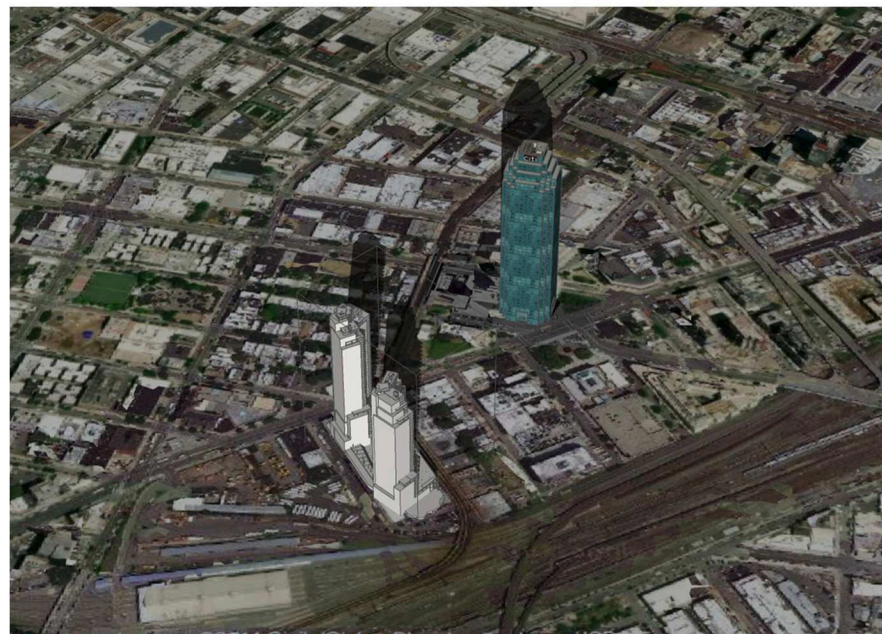
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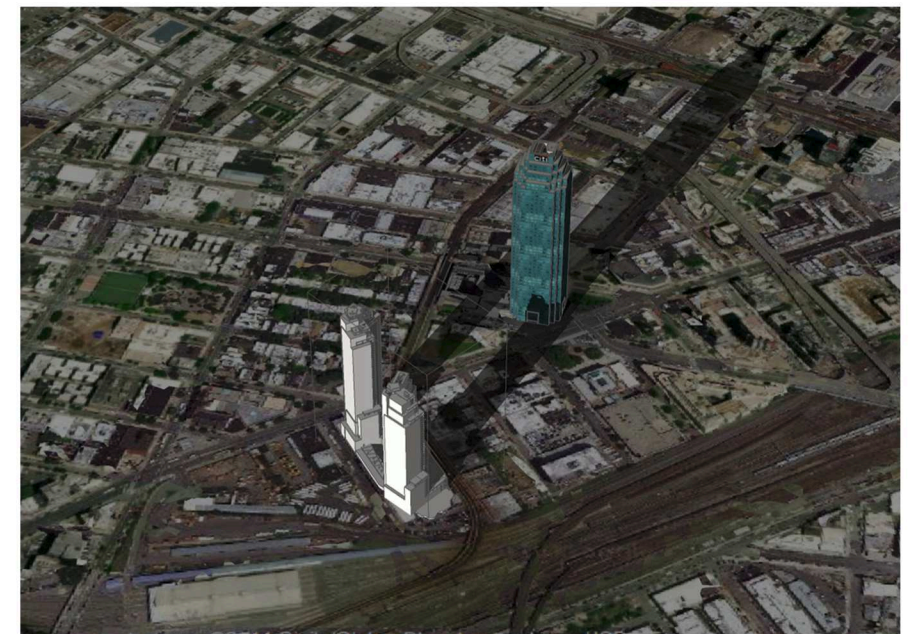
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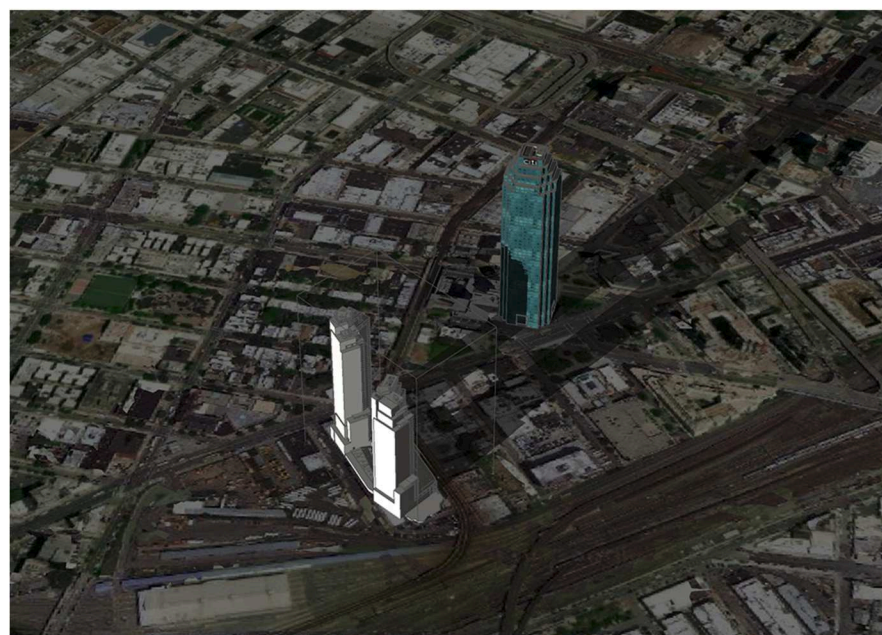
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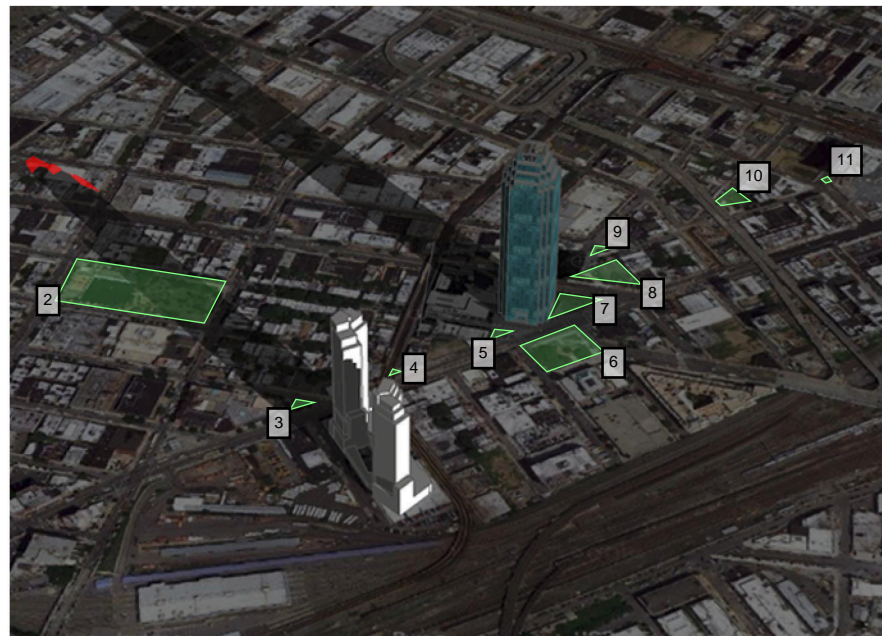


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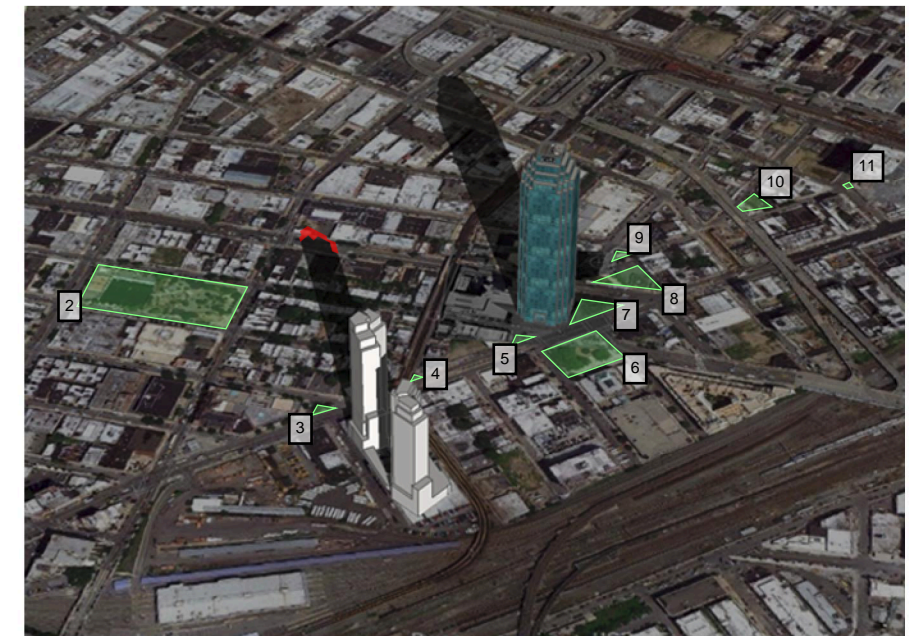
Exhibit B - Revised Special Permit Drawings - *Revised Shadow Studies - 2018*



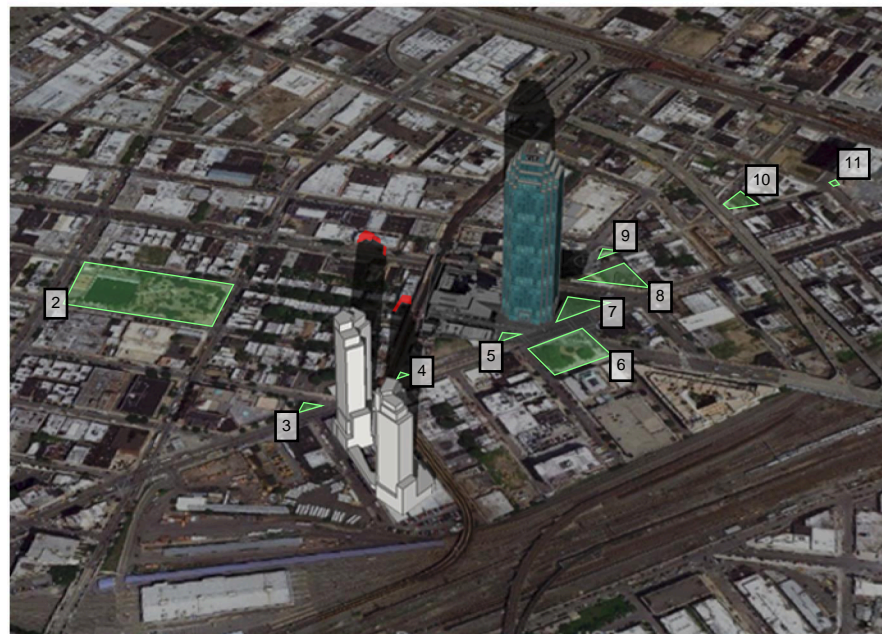
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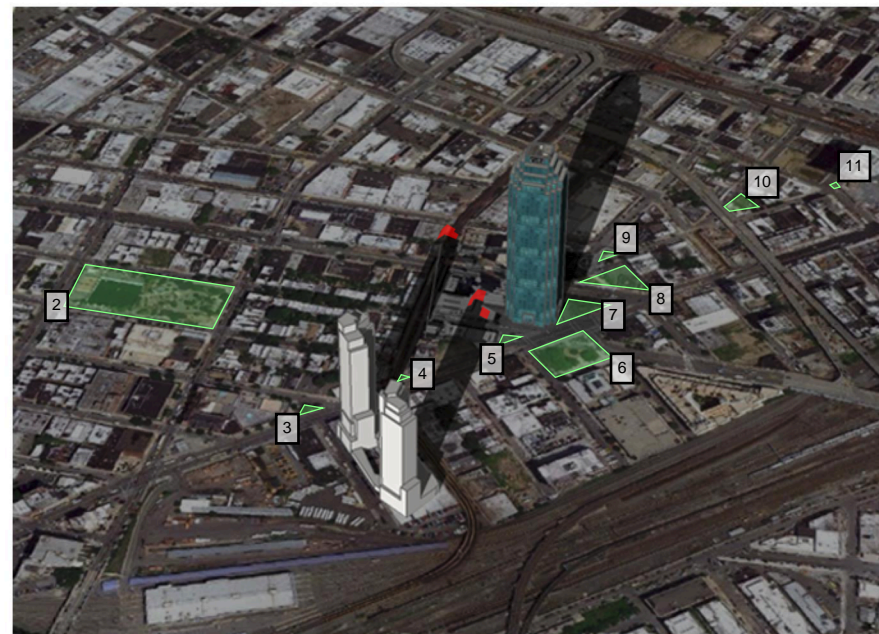
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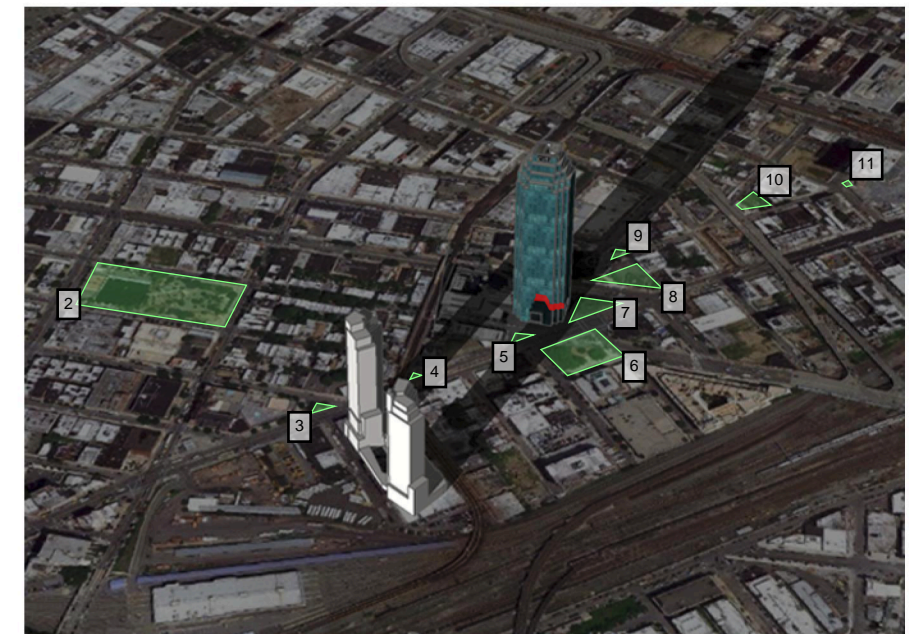
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DECEMBER 21 12PM



DECEMBER 21 1PM



DECEMBER 21 2PM



DECEMBER 21 3PM

Exhibit A vs. Exhibit B - Comparison



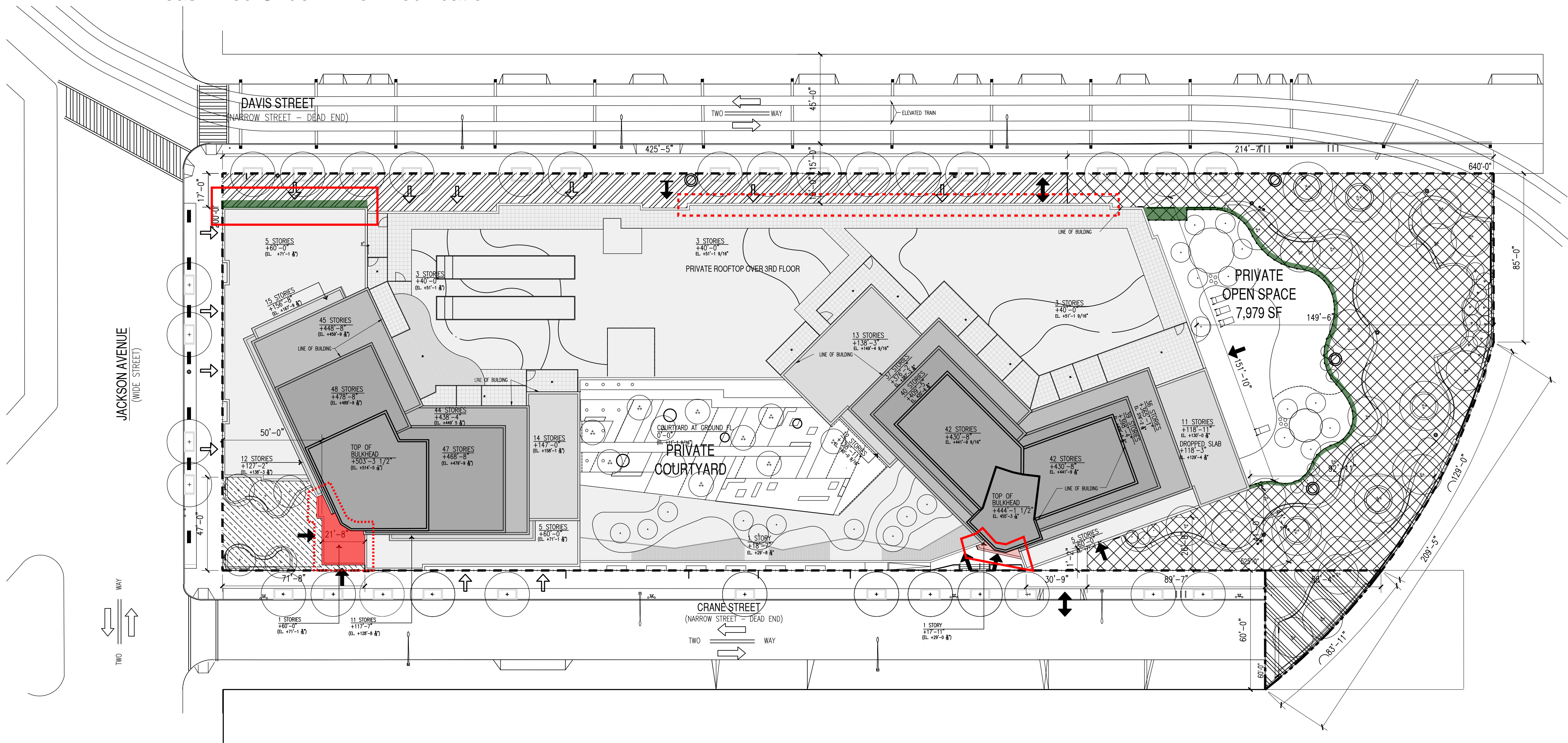
*Difference in shadow area from Exhibit A
(Previously Approved Special Permit Drawings)
& Exhibit B (Revised Special Permit Drawings)*



*Publicly-Accessible Open Spaces
(Per Table F-1)*

These drawings are an instrument of service and are the property of the architect. Infringements will be prosecuted.

- LEGEND**
- Public Open Space Added
 - Non-public Open Space Added
 - Public Space Reduced
 - Non-Public Space Reduced
 - Areas Filled Under Letter of Substantial Compliance
 - Areas Filled Under Minor Modification



- LEGEND:**
- PROPOSED RESIDENTIAL ENTRY
 - PUBLIC PARKING GARAGE ENTRY
 - LOADING BERTH ENTRY
 - PUBLIC PARKING GARAGE - PEDESTRIAN ADA ENTRY
 - POTENTIAL GALLERY / RETAIL ENTRY
 - EXTENT OF ZONING LOT
 - EXTENT OF PROPERTY

NOTE:
-PRIVATE RESIDENTS' SPACE & BUILDING ENTRANCES
ARE FOR ILLUSTRATIVE PURPOSES ONLY

PUBLIC ACCESS LEGEND:

- PUBLIC OPEN AREA
21,188 S.F.
- JACKSON AVENUE PUBLIC OPEN AREA
2,330 S.F.
- DAVIS STREET PUBLIC OPEN AREA
6,840 S.F.
- CRANE STREET IMPROVEMENT
1,887 S.F.

PUBLIC OPEN AREA - 21,188 S.F.
ADDITIONAL PUBLIC OPEN AREAS - 11,057 S.F.

NOTE:
PROVISION OF A PUBLIC OPEN AREA OF 20,000 S.F.
IS A CONDITION OF APPROVAL OF CPC SPECIAL
PERMIT PURSUANT TO SECTION 117-56

H T O

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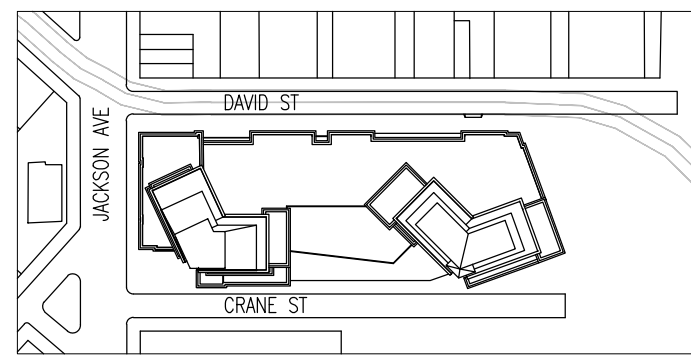
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C 347 581 7227

key plan:



project:
**JACKSON AVENUE
and
CRANE STREET
QUEENS, NY 11101**

owner:
**G & M REALTY, LP
1 EXECUTIVE DRIVE
EDGEWOOD, NY 11717
(631) 242-6300 : phone
(631) 242-2820 : fax**

revisions:

DATE	REVISION
07/17/18	REVISION 1

issued:

DRAWING TITLE

PUBLIC ACCESS DIAGRAM

SEAL & SIGNATURE



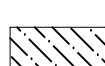



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CHECKED BY: JPM
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DWG No:

Z-6.0

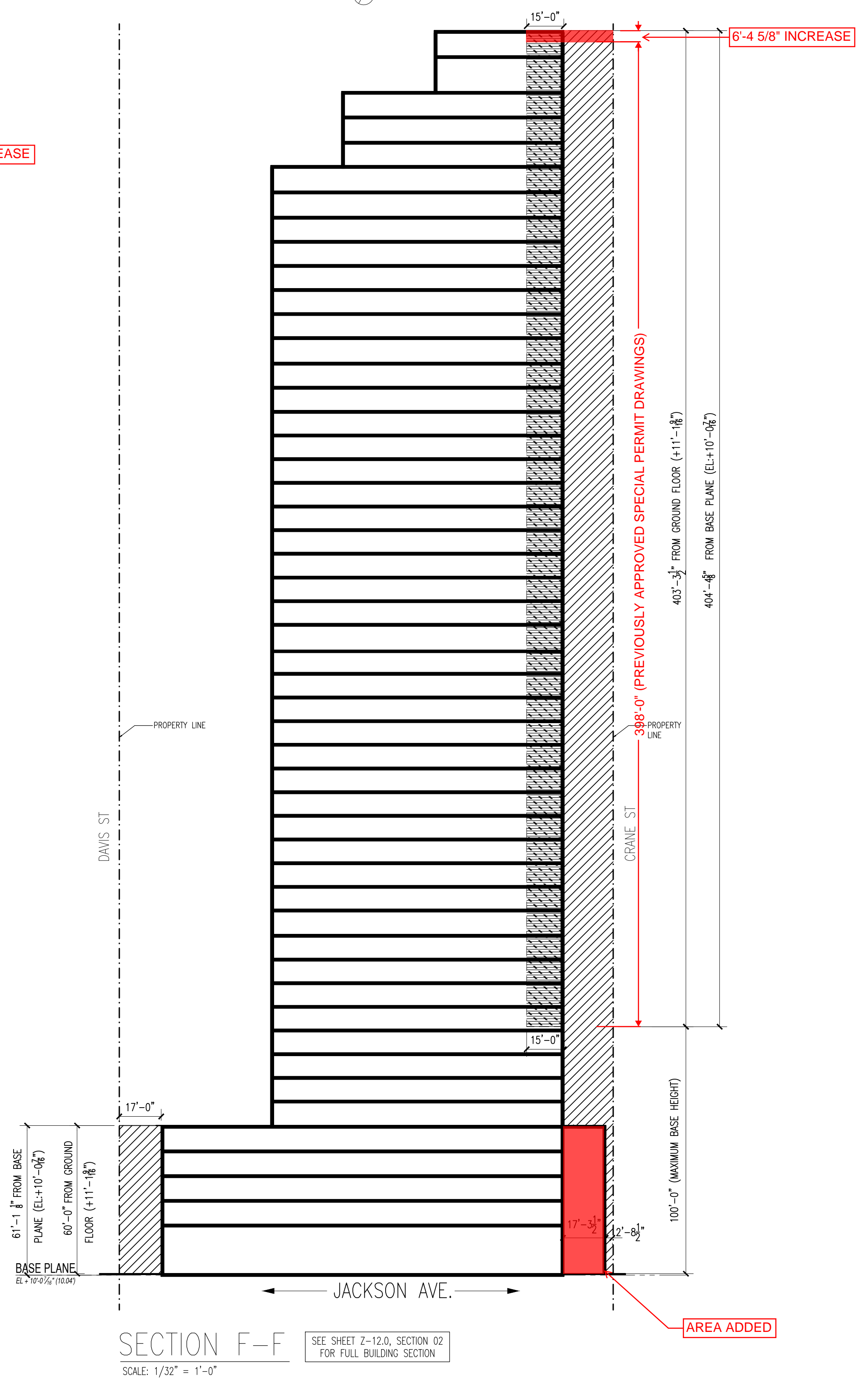
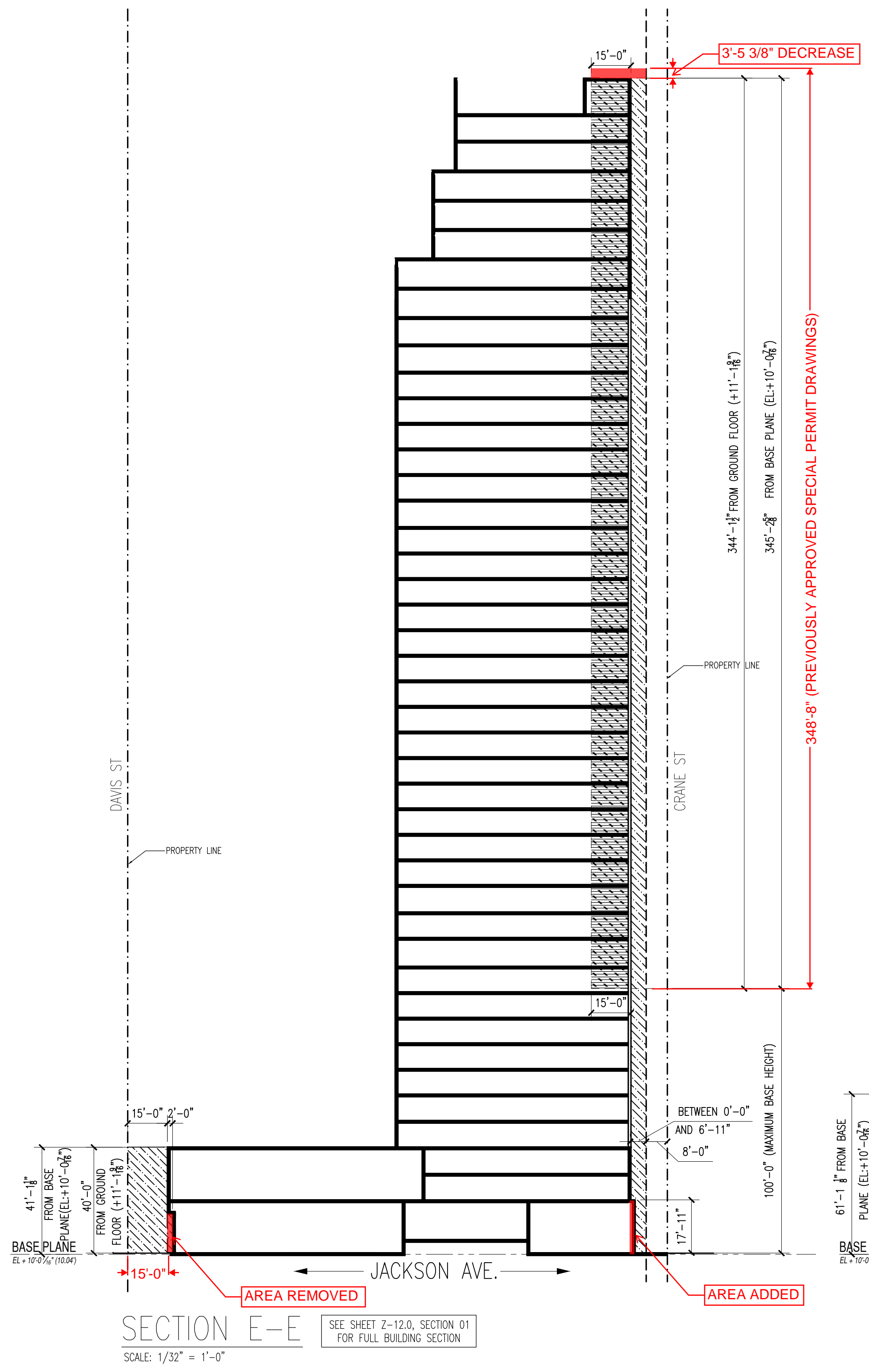
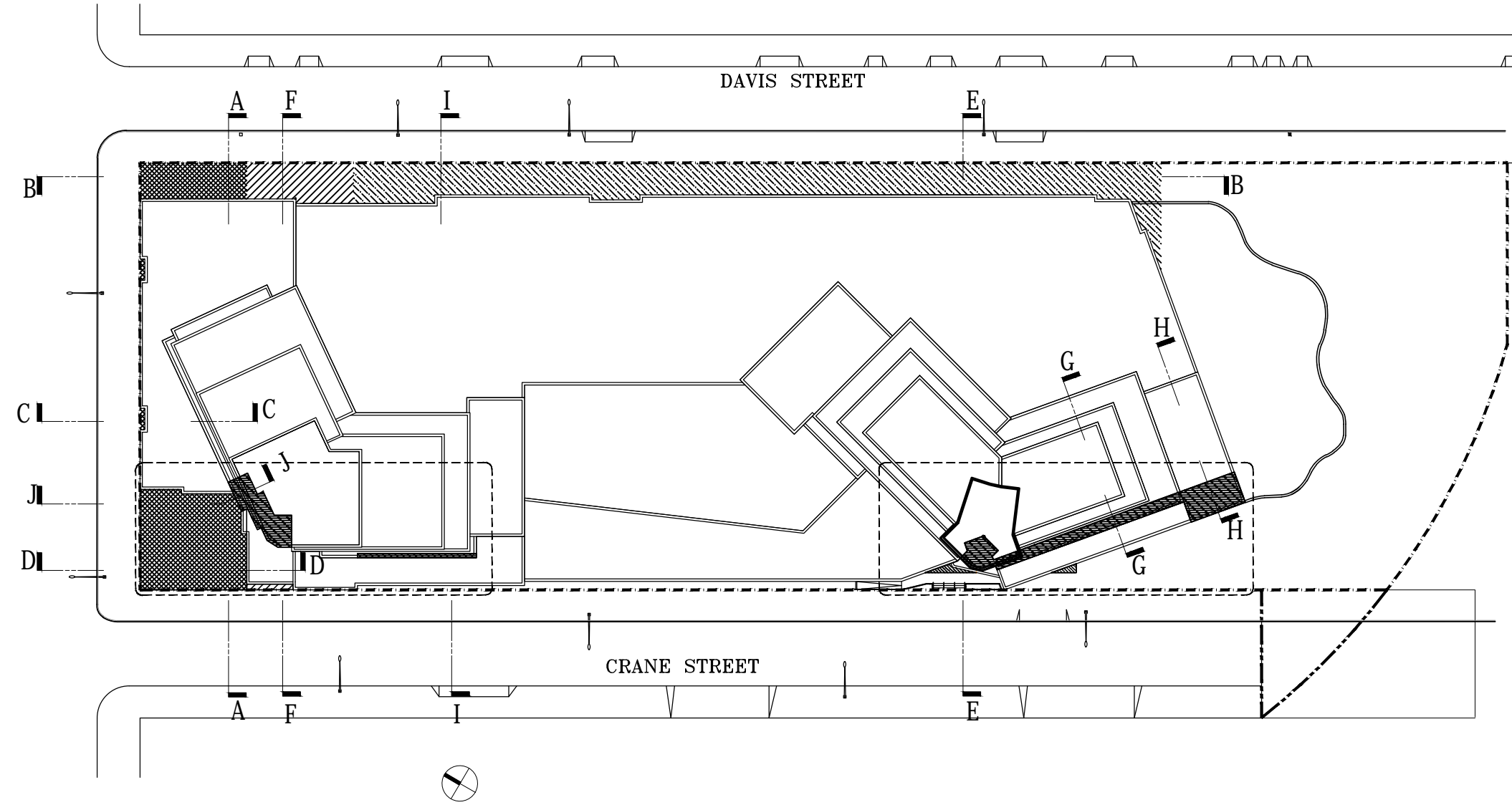
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PROPOSED WAIVERS LEGEND:

	REQUESTED WAIVER FOR STREET WALL LOCATION ON A WIDE STREET AS PER Z.R. 117-531(a)
	REQUESTED WAIVER FOR STREET WALL LOCATION ON A NARROW STREET WITHIN 100'-0" OF A WIDE STREET AS PER Z.R. 117-531(b)
	REQUESTED WAIVER FOR STREET WALL LOCATION ON A NARROW STREET BEYOND 100'-0" OF WIDE STREET WITH A SETBACK GREATER THAN 8'-0" PAST THE PROPERTY LINE (70% OF ZONING LOT REQUIRED AS PER Z.R. 117-531(b))
	REQUESTED WAIVER FOR SETBACK REQUIREMENT ON A NARROW/WIDE STREET OF 15'-0"/10'-0" FROM THE STREET WALL ABOVE 100'-0" LOCATION IN DESIGNATED AREA C AS PER Z.R. 117-532(a)

SEE SHEETS Z-12.0 - Z-15.0
FOR FULL BUILDING SECTIONS

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key plan:

The key plan is a street map showing the project location. It features a grid of streets. A vertical street on the left is labeled 'JACKSON AVE'. Two horizontal streets are labeled 'DAVID ST' and 'CRANE ST'. The project site is outlined in a thick black line, situated between David St and Crane St, and to the east of Jackson Ave. The site contains several building footprints. A north arrow is located in the upper right corner of the map.



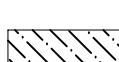

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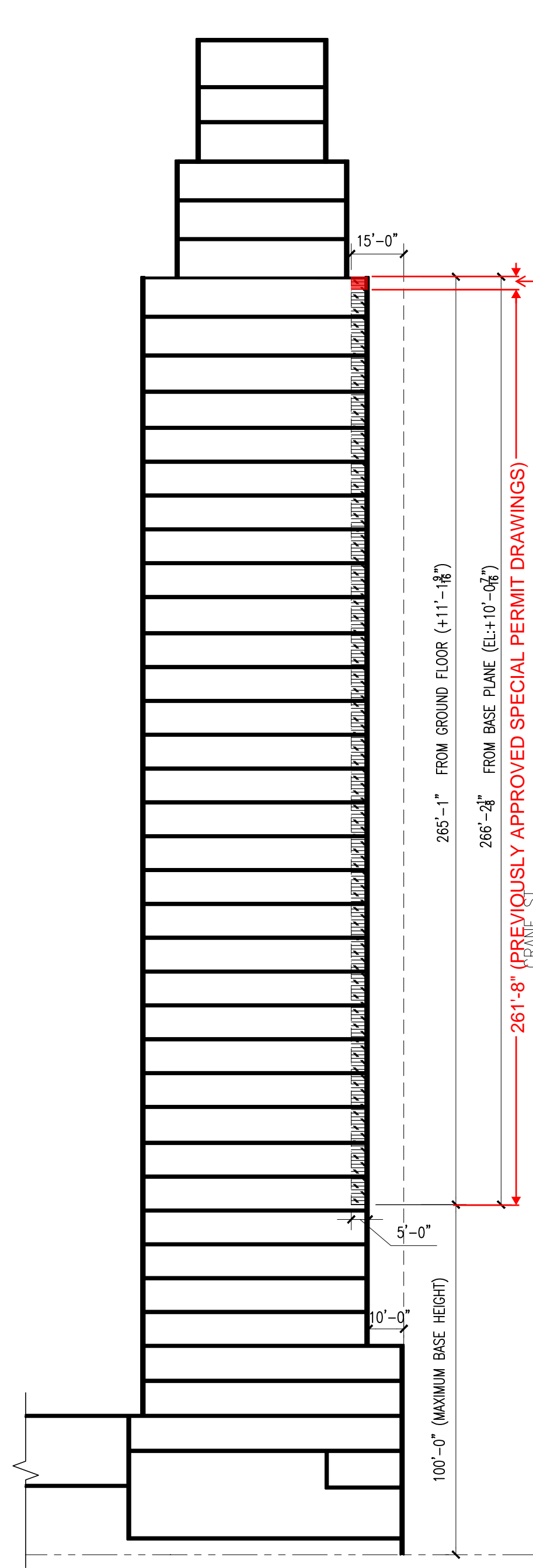
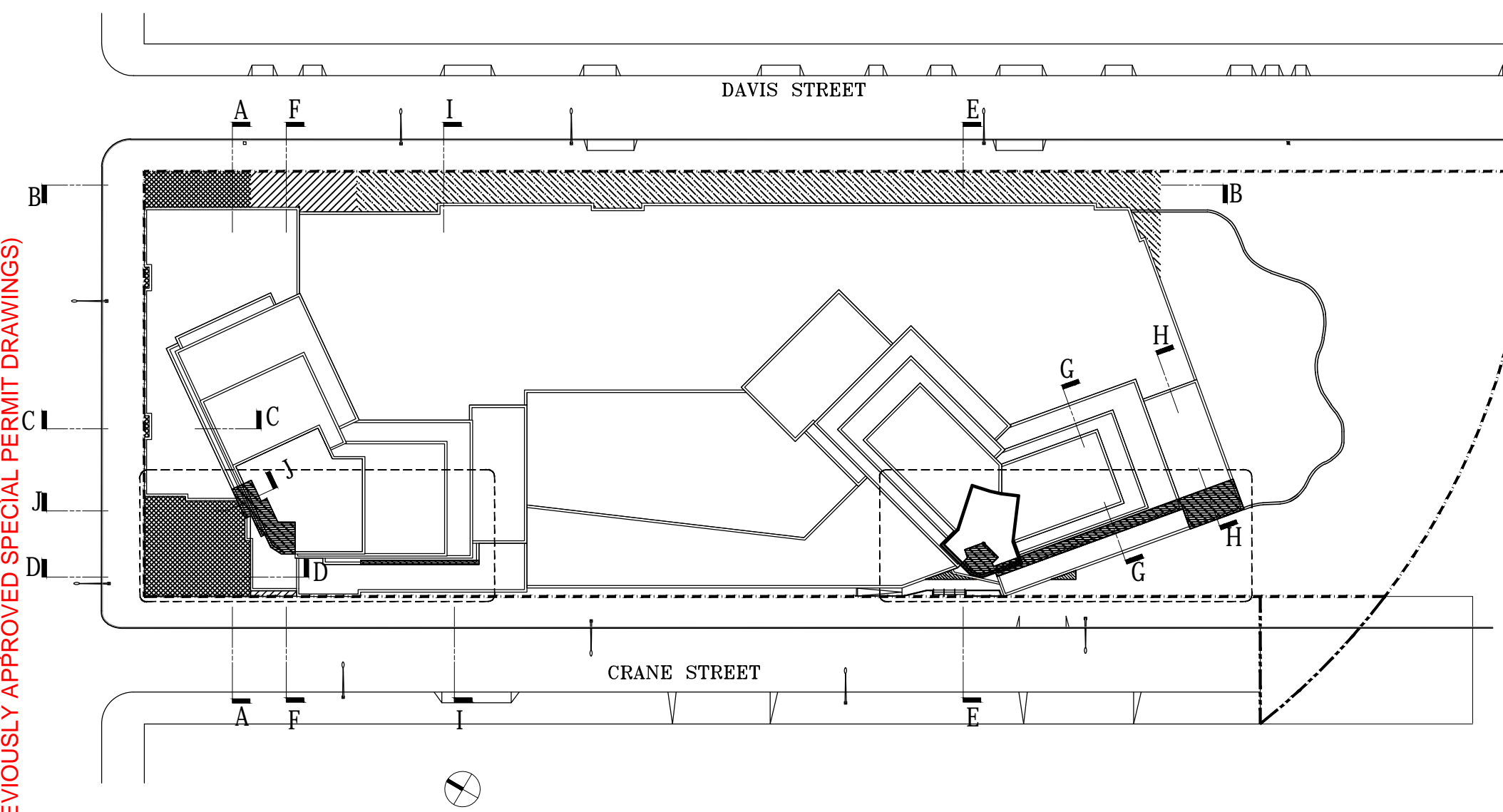
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	<p>CHECKED BY: JPM</p>
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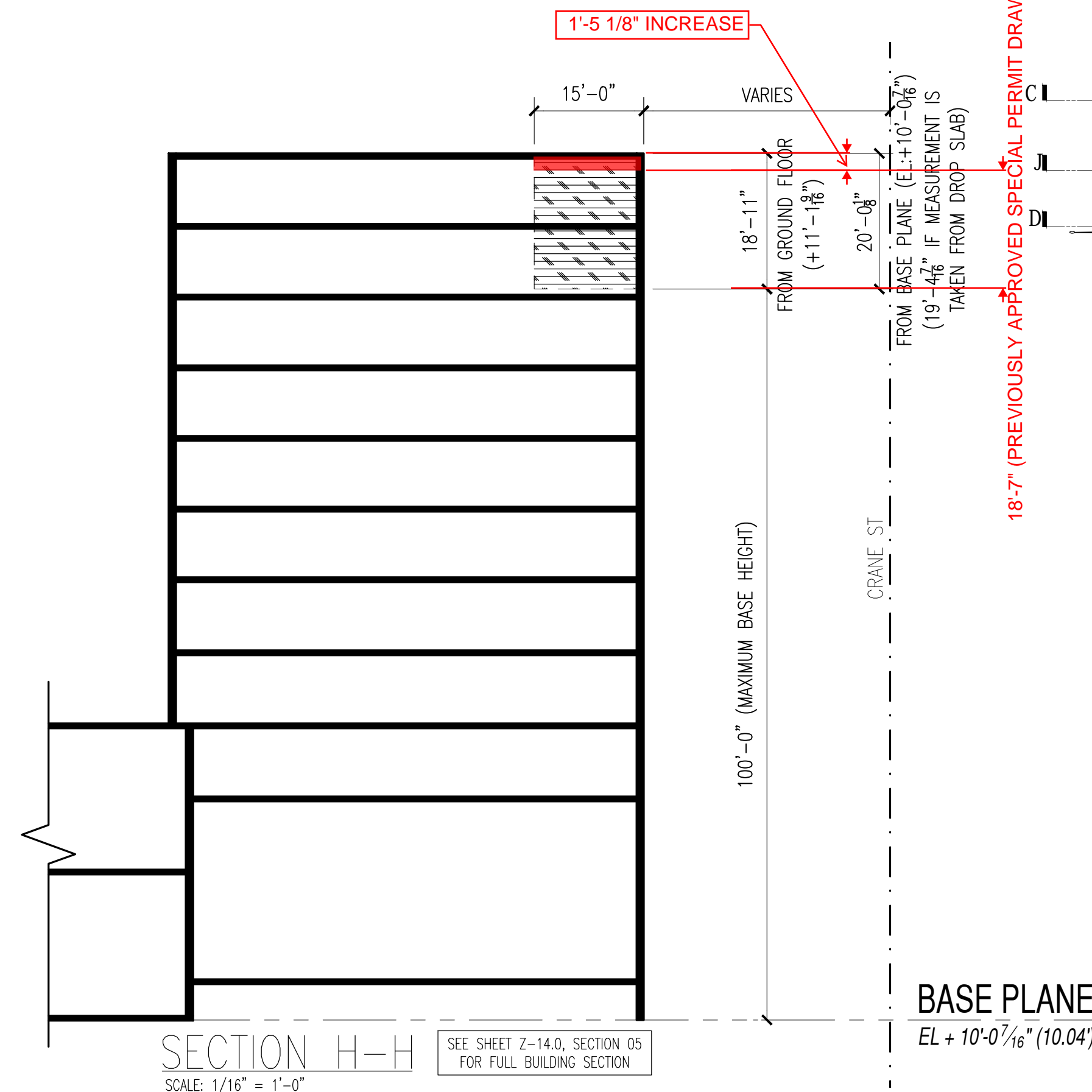
SEE SHEETS Z-12.0 - Z-15.0
FOR FULL BUILDING SECTIONS



SECTION G-G

SCALE: 1/32" = 1'-0"

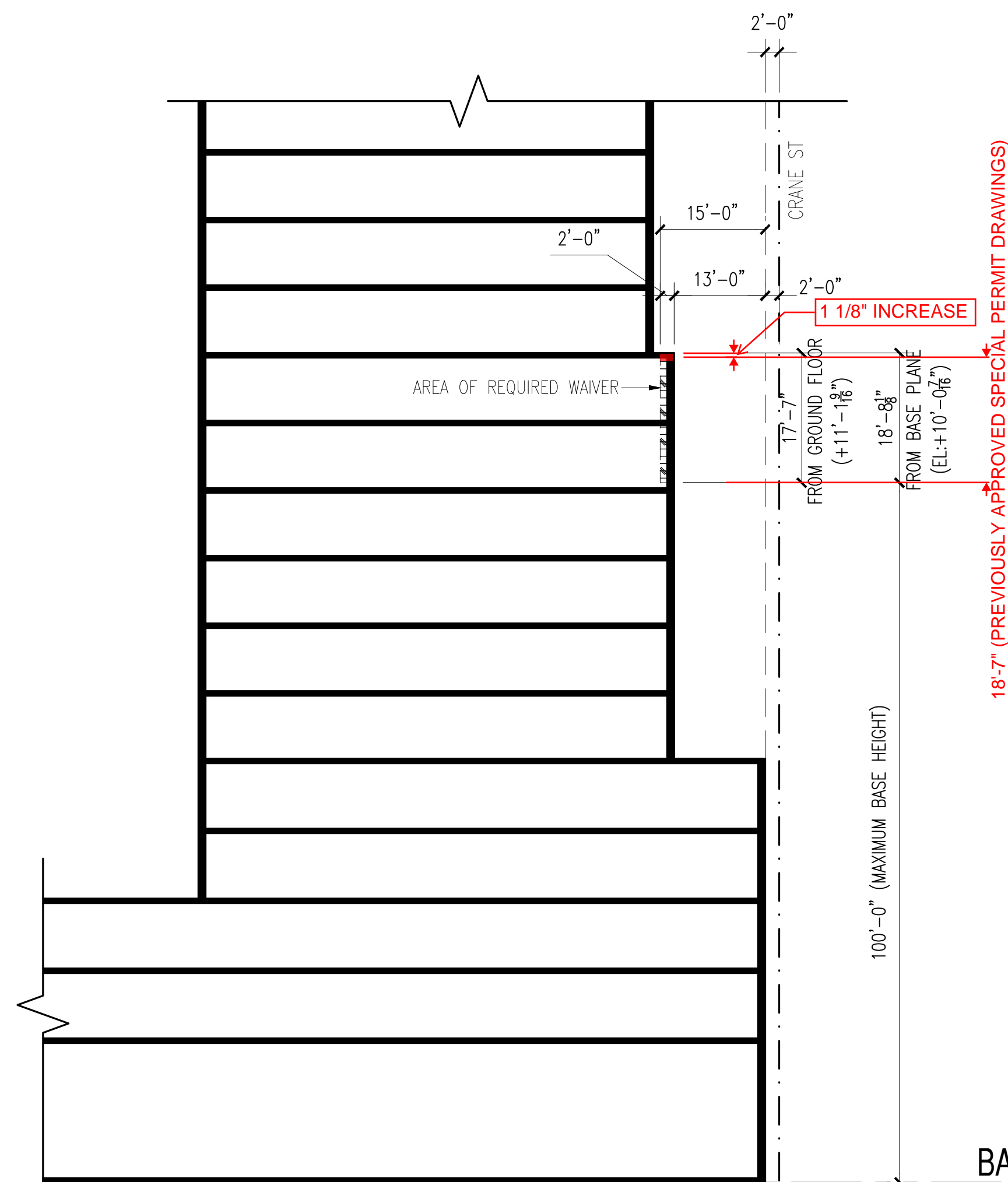
SEE SHEET Z-14.0, SECTION 03
FOR FULL BUILDING SECTION



SECTION H-H

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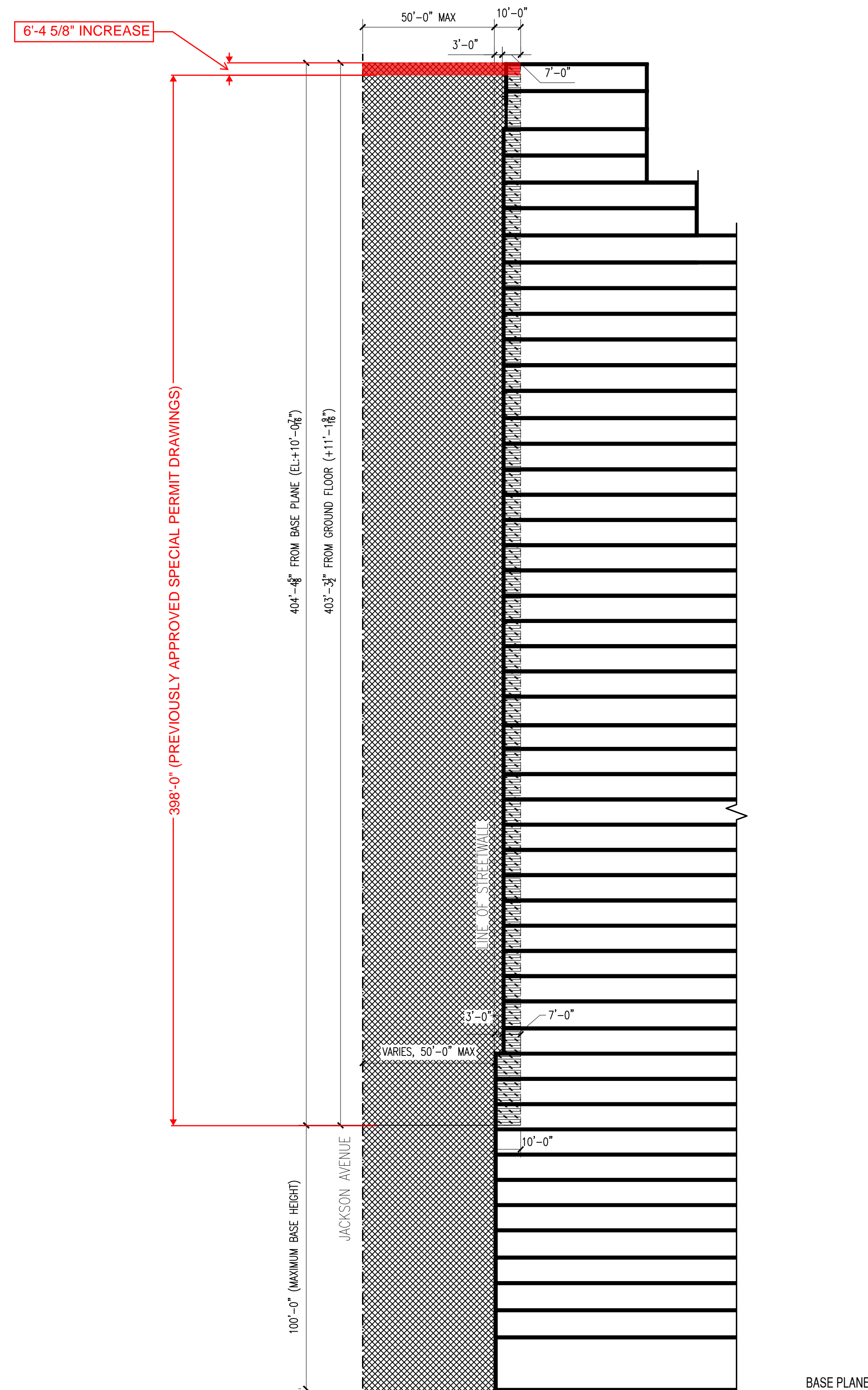
SEE SHEET Z-14.0, SECTION 05
FOR FULL BUILDING SECTION



SECTION 1-1

SCALE: 1/16" = 1'-0"

SEE SHEET Z-14.0, SECTION 04
FOR FULL BUILDING SECTION



SECTION J-J

SCALE: 1/32" = 1'-0"

SEE SHEET Z-15.0, SECTION 07
FOR FULL BUILDING SECTION

H T O

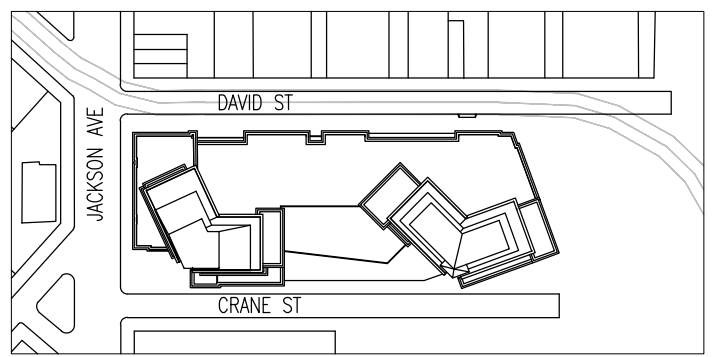
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revisions:

[illegible]

issued:

[illegible]

DRAWING TITLE

PROPOSED WAIVER SECTIONS



<i>DATE</i>	02/08/13
<i>PROJECT No:</i>	11028
<i>DRAWING BY:</i>	WAS
<i>CHECKED BY:</i>	JPM
<i>SCALE</i>	1/32" = 1'-0"
<i>DWG No:</i>	

Z-16.2