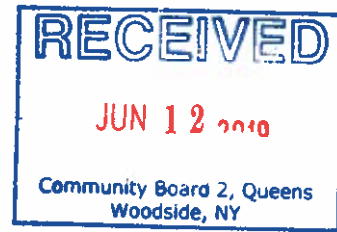




*Scan document  
to Denise & Lisa*

DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK  
TECHNICAL REVIEW DIVISION



Marisa Lago, Director  
Department of City Planning

June 7, 2019

Denise Keehan-Smith, Chairperson  
Queens Community Board 2  
43-22 50th Street, Room 2B  
Woodside, New York 11377

Re: Applic. No. M 130191(A) ZSQ  
22-44 Jackson Avenue  
Block 86, Lot 1  
M1-5/ R7-3 District  
Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C)  
Borough of Queens  
Community District 2

Dear Chairperson Keehan-Smith:

Enclosed is an application (M 130191(A) ZSQ) and related drawings submitted by G & M Realty LP for modification to a previously approved special permit (C 130191 ZSQ) to reflect changes to the approved plans and zoning calculations involving minor reconfiguration of the approved buildings, as more fully described in the enclosed application, in connection with a proposed mixed-use development on property at the above referenced location.

The application (M 130191(A) ZSQ) is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require a public hearing by the Community Board. However, if the board has any comments or recommendations on the application (M 130191(A) ZSQ) please send them by July 29, 2019 to:

City Planning Commission  
Calendar Information Office  
120 Broadway – 31<sup>st</sup> Floor  
New York, NY 10271

If you have any questions about the application (M 130191(A) ZSQ), please contact the applicant's representative Caroline Harris at 212-935-1622.

Sincerely,

  
Steven Lenard

Steven Lenard, Director  
Ken Ramnarine, Deputy Director  
120 Broadway – 31<sup>st</sup> Floor, New York, NY 10271-0001  
(212) 720-3226 FAX (212) 720-3244  
[www.nyc.gov/planning](http://www.nyc.gov/planning)

cc. A. Laremont  
J. Merani  
H. Marcus  
S. Ng  
E. Addae  
R. Ferguson  
K. Ramnarine  
D. Answini  
J. Young  
B. Montieth  
Applicant  
Borough President's Office



# Land Use Review Application

Department of City Planning

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

M130191(A) ZSQ

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

**G & M Realty LP**

**Caroline Harris**

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*

APPLICANT'S PRIMARY REPRESENTATIVE

**One Executive Drive**

**Goldman Harris LLC**

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

**Edgewood N.Y. 11717**

**475 Park Avenue South, Suite 2803**

CITY STATE ZIP

STREET ADDRESS

**(212) 940-6241 (646) 884-5765**

**New York N.Y. 10016**

AREA CODE TELEPHONE # FAX#

**(212) 935-1622 (212) 935-2651**

AREA CODE TELEPHONE # FAX#

\* List additional applicants below:

**charris@goldmanharris.com**

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)  
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE # FAX #

**22-44 Jackson Avenue, Long Island City, N.Y.**

**22-44 Jackson Avenue Minor Modifications**

STREET ADDRESS

PROJECT NAME (IF ANY)

**Block bounded by Davis Street, Jackson Avenue, Crane Street, and the Sunnyside LIRR Yard**

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

**M1-5/R7-3/Long Island City Special District (LIC)**

**9b**

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S).

**Block 86, Lot 1**

**Queens**

**Q N C B 2**

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO  YES  IF YES, IDENTIFY \_\_\_\_\_

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

## 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ \_\_\_\_\_
- ZONING MAP AMENDMENT.....ZM \$ \_\_\_\_\_
- ZONING TEXT AMENDMENT.....ZR \$ \_\_\_\_\_
- ZONING SPECIAL PERMIT.....ZS \$ \_\_\_\_\_
- ZONING AUTHORIZATION.....ZA \$ \_\_\_\_\_
- ZONING CERTIFICATION.....ZC \$ \_\_\_\_\_
- PUBLIC FACILITY, SEL./ACQ.....PF \$ \_\_\_\_\_
- DISPOSITION OF REAL PROP.....PP \$ \_\_\_\_\_
- URBAN DEVELOP=MENT ACTION.....HA \$ \_\_\_\_\_
- URBAN RENEWAL PROJECT.....\* \$ \_\_\_\_\_
- HOUSING PLAN & PROJECT.....\* \$ \_\_\_\_\_
- FRANCHISE.....\* \$ \_\_\_\_\_
- REVOCABLE CONSENT.....\* \$ \_\_\_\_\_
- CONCESSION.....\* \$ \_\_\_\_\_
- LANDFILL.....\* \$ \_\_\_\_\_
- OTHER (Describe) \$ \_\_\_\_\_

<input checked="" type="checkbox"/> MODIFICATION	50% of 130191ZSQ	\$ 14,742.50
<input type="checkbox"/> FOLLOW-UP	APPLICATION NO. _____	\$ _____
<input type="checkbox"/> RENEWAL	APPLICATION NO. _____	\$ _____
<input checked="" type="checkbox"/> OTHER	CEQR Fee	\$ 1,880.00 (Paid)
	SPECIFY _____	
<b>TOTAL FEE (For all actions)</b>		<b>\$ 16,622.50</b>

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

Has pre-application meeting been held?  NO  YES

If yes John Young - DCP Queens

February 14, 2018

DCP Office/Representative

Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCY City Planning Commission

CEQR NUMBER 13DCP094Q

TYPE OF CEQR ACTION:

- TYPE II, TYPE I, UNLISTED options with checkboxes and descriptions.

Date determination was made:

Has CEQR determination been made? Yes [X] No [ ]

If yes, what was determination? Negative Declaration, CND, Positive Declaration options.

Date determination made: May 1, 2013 (Attach Copy)

If Positive Declaration, has PDEIS been filed?

Has Notice of Completion (NOC) for DEIS been issued? If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? If yes, date issued:

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No [X] Yes [ ]

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

Table with columns: APPLICATION NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Content: See LR 7 Attachment.

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

Table with columns: REFERENCE NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE.

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Caroline G Harris NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

Signature of Caroline G. Harris 5/9/13 SIGNATURE OF APPLICANT DATE

GoldmanHarris LLC APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

### LR 7 Attachment – Related Actions

APPLICATION NO.	DESCRIPTION/ DISPOSITION/ STATUS	CAL. NO.	DATE
C 130191 ZSQ	Special Permit for FAR Increase and Street Wall Modifications	Cal. No. 38	08/21/2013
N 130134 ZRQ	Long Island City Special District Text Amendment	Cal. No. 17	04/10/2013
C 000406A ZMQ	Long Island City Rezoning	Cal. No. 20	05/23/2001
C 950403 ZMQ	Long Island City Framework Implementation (Rezoning)	Cal. No. 4	09/18/1995
C 800984 ZMQ	Hunters Point Mixed Use District Rezoning	Cal. No. 3	10/26/1981

**OWNER'S AUTHORIZATION**

Re: Minor Modification Application (CM)

5 Pointz – 22- 44 Jackson Avenue, Long Island City, N.Y., 11101

Gerald Wolkoff, being duly sworn, deposes and says that he maintains an office at 1 Executive Drive, in Edgewood, in the County of Suffolk, in the State of New York; that G & M Realty LP is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Queens, in the City of New York and known and designated as Block 86, Lot 1, Street and House Number 22-44 Jackson Avenue, and that the owner identified above is fully aware of the actions that are being requested concerning the property in connection with the above-referenced land use application.

The owner identified above hereby authorizes the law firm of GOLDMAN HARRIS LLC, by its partner CAROLINE G HARRIS Esq., to make the above-referenced land use application on his behalf.

Signature of Owner: 

Name: Gerald Wolkoff

Title: President of Corporate general partner

State of New York  
County of Suffolk

Sworn before me this 26th day  
of July, 2018.

  
\_\_\_\_\_  
Notary Public

**HOWARD VINGAN**  
Notary Public, State of New York  
4837503  
Qualified in Suffolk County  
Commission Expires March 30, 2019

**LR Attachment 3: Project Description**  
**5 Pointz, 22-44 Jackson Avenue, L.I.C., N.Y., 11101**  
**M 130191(A) ZSQ**  
**April 16, 2019**

**I. Introduction**

This application (“Application”) is made 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 located in a M1-5/R7-3 zoning district in the Special Long Island City District (“LIC”) and in the Queens Plaza Subdistrict – Area C (“QPS-Area C”). It is located on the full block bounded by Davis Street, Jackson Avenue, Crane Street, and Sunnyside Yards.

This Application seeks approval from the City Planning Commission (“CPC”) to legalize minor modifications to a Special Permit approved by CPC on August 21, 2013 (the “2013 Special Permit”). The 2013 Special Permit granted a FAR increase and modifications of the street wall requirements for a proposed mixed-use residential development located at 22-44 Jackson Avenue, Long Island City (the “Approved Project”).

Three minor modifications from the 2013 Special Permit (the “Minor Modifications”), which are now existing conditions, are addressed in this Application. Specifically, the Minor Modifications are: (i) the street wall location along Davis Street, near Jackson Avenue; (ii) the street wall location along Crane Street, and (iii) the street wall encroachment heights at the top of select building portions.

**II. Background**

Prior to 1981, the “Surrounding Area,” defined below, was zoned M3-1. This district permitted low density FAR (2.0 FAR) for commercial and manufacturing uses; residential and community facilities uses were not permitted. In 1981, the northern portion of the Surrounding Area was included in the Special Hunters Point Mixed-Use District. Although the M3-1 district designation remained, the new special district allowed for residential uses. In 1986, a four block portion to the north of the Development Site was rezoned to a C5-3 district, largely where the Citibank tower exists today. In 1995, a large portion of the Surrounding Area, north of the rail yard and south of Jackson Avenue was rezoned to a M1-4 district. North of the Development Site, along Jackson Avenue, was rezoned to an R7A, farther north along 21<sup>st</sup> Street was rezoned R6A and along 44<sup>th</sup> Drive was rezoned R7A. In 2001, the creation of the LIC also rezoned the prior M1-4 district to a M1-5/R7-3 mixed use district; the other districts remained.

*Previous CPC and DCP Approvals for the Development Site*

There were five previous CPC actions affecting the Development Site: (i) the mapping of the Special Hunter Point Mixed-Use District over the northern corner of the Development Site along Jackson Avenue and Davis Street (C 800984 ZMQ, in 1981); (ii) the rezoning of the southern portion of the Development Site to a M1-4 District and the northern portion to a R7A District, along Jackson Avenue (C 950403 ZMQ, in 1995); (iii) the rezoning of the Development Site to a M1-5/R7-3 District and its incorporation into the Special Long Island City District (C 000406(A) ZMQ, in 2001); (iv) the adoption of the Special Long Island City District Text Amendment which altered the minimum street wall height requirements, specific to sites along Davis Street (N 130134 ZRQ, in 2013); and (v) the granting of the 2013 Special Permit for the Approved Project for an increase in FAR and modifications to street wall requirements (C 130191 ZSQ, in 2013).

The 2013 Special Permit drawings (the “CPC Approved Plans”) were schematic in nature. After the approval of the 2013 Special Permit, the Approved Project’s design matured, including responses to field conditions, enhanced coordination with structural and mechanical trades,

building code compliance and programmatic changes, resulting in the “Modified Project.” The Modified Project is currently under construction. Its superstructure is complete and its cladding is substantially completed.

### **III. Surrounding Area**

The Development Site is located in Community District 2 in Long Island City. Within a radius of 600 feet (the “Surrounding Area”) of the Development Site there are a variety of land uses and built forms, including a few mid-rise (4- to 6-stories) commercial office and manufacturing buildings, low-rise (3- to 5-stories) mixed-use buildings with commercial uses on the ground and lower floors and residential use on the upper floors, a couple of new mixed-use residential towers to the east and west of the Development Site, a few recently cleared lots for future mixed-use developments, and an open rail yard.

There is one “through truck route,” designated by the NYC Department of Transportation in the Surrounding Area. Jackson Avenue is categorized as a through truck route from Borden Avenue to Northern Blvd. There are no arterial highways, as set forth in ZR, within the Surrounding Area. Sunnyside Yards, a large rail yard, is located south of the Development Site and serves LIRR, Amtrak, and NJ Transit.

The Surrounding Area is within a Transit Zone. It is served extensively by mass transit. There are two subway lines, the 7 and the G. MTA bus service includes the B32, B62, and Q67. Queens Plaza, outside the Surrounding Area to the north, is a transportation hub with multiple subway and bus lines.

There are no schools or day care centers in the Surrounding Area. There is one cultural institution, MoMa P.S. 1, located one block west of the Development Site.

There are two small, public parks northeast of the Development Site: Albert E. Short Triangle and McKenna Triangle at the southern corners of Block 80. Each park is only 0.01 acre.

There is a NYC Landmarks Preservation Commission designated historic district, the Hunters Point Historic District (LP-0450), two blocks north of the Development Site.

More than half of the Surrounding Area is within LIC and half of that area is in the QPS-Area C (which includes the Development Site). The other half of the portion of the Surrounding Area in LIC is not in a subdistrict. There are seven zoning districts in the LIC portion of the Surrounding Area: (i) a small R6A portion to the north, (ii) a small R6B portion to the north, (iii) an R7X district north of Jackson Avenue, (iv) a C5-3 district to the northeast, (v) a M1-4/R6B mixed-use district to the north, (vi) a M1-5/R7X district to the west, and (vii) a M1-5/R7-3 district to the east (including the Development Site).

The portion of the Surrounding Area that is outside LIC is in a M3-1 district, south of the Development Site. There are no Urban Renewal Areas and no Inclusionary Housing Designated Areas in the Surrounding Area.

### **IV. Description of Development Site**

The Development Site (Block 86, Lot 1)<sup>1</sup> is a regularly shaped, 128,150 square foot (“SF”) lot located on the block bounded by Davis Street, Jackson Avenue, Crane Street, and Sunnyside Yards. It has 640 feet of frontage along Davis Street, 200 feet of frontage along Jackson Avenue, and 525 feet of frontage along Crane Street. Davis Street and Crane Street are “narrow streets” and Jackson Avenue is a “wide street.” The 7 subway line runs elevated above Davis Street along the entire northeast side of the Development Site.

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<sup>1</sup> The Development Site, as described in the 2013 Special Permit, was composed of Block 86, Lots 1, 6, 7, 8, and 22 and Block 72 p/o Lot 80. The tax lots have since been merged.



## V. Description of Proposed Development

The Applicant is currently constructing the Modified Project, a mixed-use residential building (the "Proposed Building") with a public parking garage (the "Garage") and public open spaces (the "Public Open Area"). Construction is expected to finish in - 2019.

Upon completion, the Proposed Building will contain 1,017,247 SF of floor area ("zoning floor area" or "ZFA"). Of this, there will be 975,712 ZFA of residential use (totaling 1,122 dwelling units ("D.U.'s")) and 41,535 ZFA of commercial retail use, including 12,000 ZFA for commercial artists' studios. (The Approved Project contained 978,838 ZFA of residential and 38,410 ZFA of commercial use). The Proposed Building has two towers, the North Tower and the South Tower, above a podium base of varying heights. The podium rises to a height of 60 feet along Jackson Avenue, a height of 40 feet along Davis Street, and a height of 20 feet along portions of Crane Street. The North Tower is 478.75 feet tall (503.29 feet to the top of the bulkhead) and the South Tower is 430.75 feet tall (444.13 feet to the top of the bulkhead).<sup>2</sup> There is no maximum height limit in QPS-Area C. (The Approved Project proposed the North Tower to be 478 feet (498 feet at the top of the bulkhead) and the South Tower to be 420 feet (440 feet at the top of the bulkhead). Each tower is anchored with shoulders (larger, lower-tower floor plates; the "Lower Tower Floors") of varying heights and widths which create the transition zone from the podium base to the towers above.

Upon completion, the Garage will contain approximately 72,185 gross square feet ("GSF") and is located on the cellar, ground, and second floor levels. It will provide parking for 250 vehicles with entrance/egress points on Davis Street and Crane Street. As discussed in the Discussion of Findings, many design and audio/visual features are proposed to ensure safety between the Garage's entrances/egress and the adjacent Public Open Spaces and adjoining sidewalk.

The Public Open Area is 32,245 SF<sup>3</sup> and consists of four parts: a large 21,188 SF open space located at the south of the Development Site connecting Davis Street to Crane Street (the "South Public Open Area"), a 2,300 SF open space at the corner of Jackson Avenue and Crane Street (the "Jackson Avenue Public Open Area"), a 6,694 SF open space along Davis Street (the "Davis Street Public Open Area"), and a 1,887 SF open space provided at the southern end of the Development Site and on the un-mapped portion of Crane Street (the "Crane Street Improvement"). The Public Open Area provides a mix of active and passive recreation and public amenities. They will be open 24 hours/7days a week, except for the South Public Open Area which is permitted to close between 10:00 p.m. and 7:00 a.m.<sup>4</sup>

The Modified Project will continue to provide new residential units and commercial opportunities, including studios dedicated for artists. The proposed Public Open Area will benefit residents and commercial tenants of the Modified Project and the neighborhood-at-large by providing a vast amount of open space. The Modified Project as a whole, will be harmonious with the needs and growth of LIC.

## VI. Actions Necessary to Facilitate the Proposal

Approval of these Minor Modifications is necessary to facilitate the Proposal. Specifically, these Minor Modifications relate to: (1) the street wall location along Davis Street, near Jackson Avenue; (2) the street wall location along Crane Street, and (3) the street wall encroachment heights at the top of select building portions. The Modified Project is currently under construction with its superstructure completed. In the course of construction, these Minor Modifications of the Approved Project's plans were necessary to respond to field conditions, structural coordination and programmatic changes.

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<sup>2</sup> All heights are measured to curb level. Individual floor elevations differ between the Approved Projects' plans and the Modified Projects' plans as a result of NAVD88 conversion, as mandated by Local Law 96 of 2013 (adopted after the approval of the 2013 Special Permit).

<sup>3</sup> The Modified Project proposes 146 SF more public open space than the Approved Project (32,099 SF).

<sup>4</sup> The South Public Open Area is permitted to close between 8:00 p.m. and 7:00 a.m. from November 1 to April 14.

(1) Minor Modification for the Street Wall Location along Davis Street (near Jackson Avenue)

In the 2013 Special Permit, CPC granted street wall location waivers along Davis Street. The underlying zoning requires a street wall to be located at the street line, within 50 feet of a wide street (Jackson Avenue), and within 8 feet of the street line, beyond 50 feet of a wide street and within 100 feet of a wide street. CPC granted street wall location waivers of 15 feet within 50 feet of Jackson Avenue and 15 feet and 19 feet away from the street line beyond 50 feet and within 100 feet of Jackson Avenue as shown in the CPC Approved Plans.<sup>5</sup> The street wall location waivers promoted a better site plan by setting back the Approved Project's proposed building from the street line and away from the elevated subway line, creating the Davis Street Public Area.<sup>6</sup> (See Application Attachment 11, sheet Z-7.0 and Z-12.0 (detail 01).

The Modified Project, as built, utilizes 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. 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 (See Application Attachment 11, sheet Z-7.0 and Z-12.0 (detail 01).) The additional 2-foot setback was to accommodate sub-surface conditions discovered during construction which necessitated this slight relocation of the foundation's footings. As a result, the location of the street wall is farther from the street line for a length of 73 feet. This new location of the street wall benefits the project, creating a wider public open area, an additional 146 SF of public open space at the Davis Street Public Open Area, and an even better site plan than the Approved Project. Therefore, the proposed street wall locations of the Modified Project have the same, if not greater, merit as the modified street wall locations of the Approved Project and should be granted under CPC's previous findings and approvals.

(2) Minor Modification for the Street wall location along Crane Street (at the South Tower's entrance lobby)

In the 2013 Special Permit, CPC granted street wall location waivers along Crane Street. The underlying zoning requires a street wall to be located within 8 feet of the street line, beyond 50 feet of a wide street and within 100 feet of a wide street; beyond 100 feet of a wide street, the street wall must be within 8 feet of the street line for at least 70% of the building's aggregate street frontage. CPC granted street wall location waivers between 8 feet and 14 feet 11 inches away from Crane Street for a length of 34 feet 3 inches at the South Tower's entrance, and street wall location waivers between 8 feet and 12 feet 3-1/4 inches from Crane Street south of the South Tower's entrance, as shown on the CPC Approved Plans. The street wall location waivers promoted a better site plan by setting back the Approved Project's proposed building street wall and providing open space and street wall articulation along Crane Street. (See Application Attachment 10, sheet Z-7.0 and Z-7.1 (detail 2).)

The Modified Project, as built, reduces the street wall location waiver from Crane Street at the South Tower's entrance and maintains the street wall location waiver from Crane Street south of the South Tower's entrance. The modified location of the street wall is between 8 feet and 14 feet 11 inches away from Crane Street for a length of 23 feet 8 1/2 inches at the South Tower's entrance. (There is no change to the original street wall location waiver south of the South Tower's entrance. See Application Attachment 11, sheet Z-7.0 and Z-7.0 (detail 2). The current built condition is the subject of this modification. The reduction of the street wall location waiver from Crane Street was necessary to allow the South Tower's lobby to project farther out of the podium base to accommodate coordination with structural and vertical transportation requirements and a more functional lobby program. Specifically, the elevator core's shear walls approximately doubled in thickness. The additional structural thickness displaced the appropriate resident circulation and program, resulting in the need for a larger lobby. The lobby extension rises to a height of only 1-

<sup>5</sup> The 2013 CPC Report states "... the street wall is proposed to be set back 15 to 19 feet from the street line..."

<sup>6</sup> The 2013 CPC Report states "[t]he street wall location modifications result in a better site plan by providing for new public open areas along ... Davis Street."

story (17 feet 11 inches), although the minimum street wall height requires 60 feet.<sup>7</sup> There is no loss of public open space by this modification. The proposed street wall location of the lobby extension facing Crane Street is in greater accordance with the underlying zoning (in plan). The lobby extension's height is not in accordance with the current zoning, although, it complied with the underlying zoning at the time the 2013 Special Permit application was certified. The lobby extension modification is in the scope of CPC's previous approval.<sup>8</sup> The original street wall location waivers were granted as they provided for a better site plan with open space and street wall articulation. Therefore, the modified street wall location of the Modified Project maintains a good site plan, provides an open area and provides for street wall articulation; it has the same merit as this modified street wall of the Approved Project and should be granted under CPC's previous findings and approvals.

(3) Minor Modification for the Waiver of Street wall encroachment heights at the top of the Proposed Project.

In the 2013 Special Permit, CPC granted setback waivers (setback encroachments) for street walls, above the maximum base height, for portions of the Proposed Building along Crane Street. The underlying zoning requires street walls, above the maximum base height, to be setback 15 feet from the street wall. 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, as shown on the CPC Approved Plans. Although there is no height limit for buildings in QPS-Area C, the previous 2013 Special Permit granted the location of such street wall encroachments, contrary to the underlying regulations, for varying heights. (See Application Attachment 10, sheet Z-7.0 and Z-7.1 (details 1 & 2).)

The Modified Project, as built, maintains the location, in plan, of the proposed street wall encroachments. However, due to enhanced structural and mechanical coordination leading to height modifications throughout the Proposed Building, the heights of the applicable street wall encroachments for five of the seven waivers granted in the 2013 Special Permit, need to be extended to meet the Proposed Building as constructed. (The remaining two encroachments are at a lesser height than the Approved Project.) The current built condition is the subject of this modification. (See Application Attachment 11, sheet Z-7.0 and Z-7.1 (details 1 & 2).

The towers are now constructed with slightly different floor-to-ceiling heights and an additional story added to the South Tower to achieve the approved ZFA. 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, need to increase accordingly to meet the as-built condition.

In the North Tower, the Approved Project permitted four street wall encroachments: (1) an encroachment from the 6<sup>th</sup> to 11<sup>th</sup> floors in the Lower Tower Floors from 60 feet to 126 feet above curb level, at the northwest corner, (2) an encroachment from the 6<sup>th</sup> to 47<sup>th</sup> floors from 60 feet to 478 feet above curb level at the northwest corner, (3) an encroachment from the 6<sup>th</sup> floor to the top of the bulkhead from 60 feet to 498 feet at the corner of the tower, and (4) an encroachment from the 6<sup>th</sup> to 11<sup>th</sup> floors from 60 feet to 126 feet above curb level at the southwest corner. Of the encroachments above, this Minor Modification Application seeks to increase encroachments (3) and (4) above by 6.39 feet and 1.01 feet, respectively.

In the South Tower, the Approved Project permitted three street wall encroachments: (a) an encroachment from the 6<sup>th</sup> to 37<sup>th</sup> floors in the Lower Tower Floors from 60 feet to 126 feet above curb level, at the west corner, (b) an encroachment from the 6<sup>th</sup> floor to the top of the bulkhead

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<sup>7</sup> When the 2013 Special Permit application was certified, the underlying zoning did not require a minimum street wall height for "...blocks in Area C adjacent to a narrow street along which there is an elevated structure." During the 2013 Special Permit's ULURP process, a text change to the LIC zoning text was adopted (N 130134 ZRQ, adopted April 10, 2013); the text change mandated a minimum street wall height of 60 feet. Nonetheless, the 2013 Special Permit was approved in August of 2013, with a minimum street wall height of only 18 feet 7 inches between the North and South Towers along Crane Street.

<sup>8</sup> See footnote 7, above.

from 60 feet to 440 feet at the west corner of the tower, and (c) an encroachment from the 6<sup>th</sup> to 11<sup>th</sup> floors from 60 feet to 118 feet above curb level at the southern Lower Tower Floors. Of the encroachments above, this Minor Modification Application seeks to increase all three encroachments above by 4.51 feet, 3.45 feet and 1.43 feet, respectively.

In 2013, CPC approved the street wall articulation and street wall encroachments of the Approved Project, above the maximum base height. "...to allow for variety in the buildings' massing." The Applicant is not proposing to change, in plan, the size of the street wall encroachment. There is no height maximum in this district. It is only seeking to extend five of the seven previous encroachment waivers - a de minimus amount to cover portions of the Lower Tower Floors and the tops of the building (the largest height increment being an additional 6.39 feet, which is for a bulkhead level and isn't even a habitable story.)

## **VII. Conclusion**

The building design of the Modified Project is virtually the same as the building design of the Approved Project. It maintains a strong architectural expression and variety of massing and materials. These Minor Modifications are within the scope of CPC's previous approval and should be approved by the City Planning Commission.

**LR Attachment 11: Statement of Findings**  
**5 Pointz, 22-44 Jackson Avenue, L.I.C., N.Y., 11101**  
**M 130191(A) ZSQ**  
**April 16, 2019**

**Applicant's Discussion of Findings**

**Minor Modifications of Special Permit Pursuant to Section 117-56**

**117-56**

**Special Permit for Bulk Modifications on Blocks 86/72 and 403**

*For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for building that exceed the maximum base height), provided that:*

*(a) A public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided that the Commission finds that:*

*(1) The public open area is designed so that it provides recreational opportunities for the community;*

The Approved Project proposed a total of 32,099 SF<sup>1</sup> of public space which consisted of four areas: a large 20,733 SF open space located at the south of the Development Site connecting Davis Street to Crane Street (the "South Public Open Area"), a 2,785 SF open space at the corner of Jackson Avenue and Crane Street (the "Jackson Avenue Public Open Area"), a 6,694 SF open space along Davis Street (the "Davis Street Public Open Area"), and a 1,887 SF open space provided at the southern end of the Development Site and on the un-mapped portion of Crane Street (the "Crane Street Improvement"). The South Public Open Area, Jackson Avenue Public Open Area, Davis Street Public Open Area and the Crane Street Improvement are, collectively, the "Public Open Areas." The Approved Project's Public Open Area provided a mix of active and passive recreation and public amenities.

The Modified Project proposes the same network of public open space as the Approved Project, with only minor changes to the individual areas of some public spaces. The Modified Project increases the South Public Open Area by 455 SF (now totaling 21,188 SF), increases the Davis Street Public Open Area by 146 SF (now totaling 6,840 SF), and reduces the Jackson Avenue Public Area by 485 SF (now totaling 2,330 SF). The Modified Project's Public Open Areas propose a total of 32,245 SF, which is 146 SF greater than the Approved Project's Public Open Areas. More of the public open space has been reallocated to the South Public Open Area (the largest open area with more recreation and less susceptible to shadows) and to the Davis Street Open Area (which will be highly trafficked and activated with the ground floor retail and artist studio frontage). The Modified Project's re-allocation of public open space meets the original findings of the Approved Project.

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<sup>1</sup> The Modified Project proposes 146 SF more public open space than the Approved Project (32,099 SF).

The Approved Project proposed a public parking garage of 250 spaces with 12 reservoir spaces. The Garage was 72,185 GSF in area and was located in the cellar, ground floor and second floor levels of the building, all below 23 feet. The Garage was accessed by means of ramps from two curb cuts, 25 feet in width (including splays) with one located on Crane Street and one located on Davis Street. The Garage also would have provided 26 public bicycle parking spaces in addition to the over 500 accessory bicycle parking spaces required for building residents and four for commercial uses. They would have been located in the cellar with access from the Garage adjacent to the elevator (see Application Attachment 12, sheet Z-10.0).

The Modified Project proposes no change to the Garage design and capacity as depicted in the Approved Project. The Modified Project still proposes a public parking garage of 250 spaces with 12 reservoir spaces totaling 72,185 SF and over 500 bicycle parking spaces for residents and 26 public bicycle parking spaces. It will still occupy the cellar, ground and second floors. Therefore, the Modified Project continues to meet the required finding.

The three distinctive public open areas will surround the proposed building and provide a variety of open space opportunities to the local community. As presented in the Project Description (see LR-3 Project Description) and illustrated in Z-2.1, Z-2.2, L-101 and L-102 of Application Attachment 12, these three open areas will provide the following amenities:

o **South Public Open Area**

- Seating: 9 fixed seat wall benches with backs (234 linear feet (“lf”)); 40 seating pods (58 lf); 43 movable seats (64.5 lf); seatwalls without backs (330 lf); 2 fixed backless benches (12 lf)
- Trees: 28 minimum 4-inch caliper trees
- Planting beds: 7,705 sf
- Art walls, the decoration of which will be curated by the Applicant and will be made available to local artists
- Water features: play fountains for children on safety surfaces
- Climbable sculptures

o **Additional Public Open Areas**

**Jackson Avenue Public Open Area**

- Seating: 4 fixed benches with backs (65 lf); 9 seating pods (13.5 lf); seatwalls (82 lf); 7 benches with backs (42 lf)
- Trees: 5 minimum 4-inch caliper trees
- Planting beds: 670 sf

**Davis Street Public Open Area**

- Benches: 8 fixed backless benches (48 lf)
- Trees: 15 minimum 4-inch caliper trees
- Planting beds: 420 sf.

**Crane Street Improvement**

- Seating: 12 backless benches (72 lf); 6 benches with backs (36 lf); seatwall (56 lf); fixed benches with back (38 lf); and 6 seating pods (9 lf)
- Trees: 3 minimum 4-inch caliper trees
- Informal play area: climbable sculptures
- Planting beds: 1,000 sf.

The type, quantity and location of the amenities within the Modified Project’s Public Open Spaces are the same type, quantity and location of the amenities as proposed in the Approved Project’s Public Open Space.

Nine bicycle racks (six at Davis Street curb area and three at the Crane Street curb area adjacent to the South Public Open Area) will welcome bicyclists to the Development Site and its public amenities. In addition to the amenities located within the Public Open Areas, the Approved Project proposed to improve and enhance the street treatments on Jackson Avenue and Crane Street. Over 40 lf of World's Fair type benches were proposed along Jackson Avenue as a continuation of the city's recent beautification of the Jackson Avenue streetscape. Five street trees were proposed to be planted (or preserved) on Jackson Avenue, and seven benches with backs were proposed. On Crane Street, 18 trees, approximately 500 SF of plantings, and 11 backless benches and seven backed benches were proposed to improve the pedestrian experience for visitors, workers, and residents, activating the streets and continuing the chain of green spaces that have emerged along Jackson Avenue. Lighting was proposed through the use of light poles, uprights, and LED lighting beneath benches. (See L-107 and L-108 for lighting locations and details.).

The Public Open Areas will provide both passive and active recreation opportunities for the Hunter's Point community. Approximately 698.5 lf of seating will be provided in the South Public Open Area, 202.5 lf of seating in the Jackson Avenue Public Open Area, 48 lf in the Davis Street Public Open Area, and 211 lf of seating in the Crane Street Improvement. These seats will be located in both shade and sun and placed so as to provide an open and welcoming recreational setting.

In addition to passive seating, the South Public Open Area will provide children's play fountains with safety surfaces and climbable animal sculptures for young children. This will provide a much needed resource for young children and their families in this growing residential community. Finally, the art walls activate and enhance the public open area, continue the 5Pointz legacy, and support the Long Island City artist community.

The Modified Project does not materially change the aforementioned list of proposed enhancements to the Public Open Areas. It does not change the design or capacity of the Garage of the Approved Project. Therefore, the Modified Project is consistent with the original approval. The Modified Project does propose to shift some of the public open space from the Jackson Avenue Public Area to the South Public Area. The shift of the public open space is better as more of the public open area is now allocated to the South Public Area, which is larger and filled with more amenities than other public open space areas and is subject to the least amount of shadows. The Modified Project maintains recreational opportunities for the community at large and, therefore, this modification and the Modified Project still meet the required findings.

***(2) The portion of the #development# or #enlargement# adjacent to the public open areas shall be a retail #use#, other #use# or treatment that complements the open area;***

In the Approved Project, all of the proposed public open spaces were proposed to be adjacent to and to complement the proposed retail uses, individual artist studios or active, private residential amenities spaces. The Modified Project proposes these same uses at the same locations adjacent to the Public Open Area as proposed in the Approved Project, as further described below.

The South Public Open Area will be located adjacent to the private residential open terrace area and tenant amenity space, which will be an active and complementary use. The Jackson Avenue Public Open Area (which will provide 47 feet of frontage along Jackson Avenue and over 50 feet of frontage along Crane Street) will be located adjacent to the Jackson Avenue retail frontage as well as the building's primary residential entrance. This is a location that will be active at all times. It is also located diagonally across Jackson Avenue from MoMA PS1 and the landscaped traffic island at the intersection of 46th Avenue. It will support the city's commitment to the

beautification of this important local corridor. The Davis Street Public Open Area will abut ground floor retail uses and artists' galleries that will be located along the Davis Street frontage.

The Modified Project does not change the location or type of uses adjacent to the Public Open Areas that were in the Approved Project; therefore, the Modified Project continues to meet the required finding.

***(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:***

In the Approved Project, the areas for street wall waivers were located along the Jackson Avenue, Davis Street, and Crane Street building frontages.<sup>2</sup> The street wall location waivers were necessary to facilitate the proposed Public Open Areas and provide a better site plan. The Jackson Avenue street wall location waivers were needed to facilitate the proposed Jackson Avenue Public Open Area at the building's northwest corner. The Davis Street street wall location waivers proposed a widened and landscaped public amenity space along Davis Street. Setting the Davis Street street wall back 15 feet, 17 feet, and 19 feet from the street line, at various intervals in plan allowed for trees, benches, and planting beds, thereby providing a welcoming path to the South Public Open Space, seating areas for the art windows and galleries, and partially buffering the sound of the elevated train for pedestrians. The segmented, multi-plane street wall and introduction of trees and other vegetation in planter areas help to break up the noise from the elevated train by fragmenting and absorbing sound waves. Portions of the street wall that had varying setbacks from the street line in section, specifically at the mid-block of Davis Street, provided a larger setback at grade to ensure wide, amenity-filled public open areas.

The Crane Street street wall location waivers allowed (i) the Jackson Avenue Public Open Area to extend over 50 feet in depth from Jackson Avenue, and (ii) an improved Site plan that provided a visually interesting landscaped area at the entrance of the southern building tower that is set back from the street. This continued the building's architectural expression from above.

The Public Open Areas enabling the proposed street wall locations resulted in a better site plan by increasing the amount and quality of accessible public realm at the street line and access to the South Public Open Area. The Jackson Avenue Public Open Area created by the street wall waiver created a public green space with landscaping, trees, and public seating. This tied the building to the Jackson Avenue Improvements and surrounding neighborhood. The street wall location waivers along Davis Street allowed the building to pull back from the street line. This provided an improved landscaped streetscape condition that will link the South Public Open Area accessed at the southerly end of Davis Street.

The Modified Project utilizes similar street wall setback waivers to accommodate the proposed Public Open Areas. The Modified Project proposes only two small changes to the previously approved street wall waivers.

First, an additional two foot setback along Davis Street, at the corner of Jackson Avenue, is proposed which results in a wider width (17 feet) for that portion of the Davis Street Public Open Area (contrary to 15 feet as in the Approved Project). The increased width and larger area of the Davis Street Public Area allow for wider pedestrian circulation space.

Second, the South Tower's entrance lobby will be enlarged and will extend forward, toward the street line, from the face of the South Tower above. Although, the recessed area from the street line was approved in the Approved Project, it did not result in the creation of the Public Open

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<sup>2</sup> The areas for which the street wall location waivers are required are indicated in plan on sheets Z-7.0 and Z-7.1 and in section on sheets Z-16.0 and Z-16.1 of Application Attachment 12.



Areas. In fact, the open spaces along Crane Street between the Jackson Avenue Public Open Area and the Crane Street Improvement were not dedicated public open space but were voluntary public open areas and were not subject to this finding.

The Modified Project proposes two small modifications to the street wall waivers granted in the Approved Project; however, the Modified Project still provides for better space open to the public and maintains a good site plan. Therefore, the proposed modifications and the Modified Project continue to meet the required findings.

***(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***

In the Approved Project, the Garage was serviced by two entrance/exit ramps and the Proposed Building was serviced by one enclosed loading berth, located on Davis Street. All three of the curb cuts were limited in width to 25 feet (including splays). The Garage was provided with the required 12 reservoir spaces within the building. While each of the Garage's access points were near the proposed South Public Open Area, each access point was provided with warning systems to alert pedestrians and to avoid conflicts between pedestrians and bikes and vehicles. The proposed safety measures mentioned below provided the necessary audio and visual detection required to prevent potential conflicts between vehicles seeking access/egress to the parking Garage and the pedestrians walking along the sidewalk. The use of the signage and striping for the parking Garage driveway would have further guided vehicles safely to all access/egress points. The parking Garage driveway exits proposed a "STOP" sign mounted to a post to the right of the exiting drive aisle, and a "STOP HERE" sign was hung from the ceiling directly above the exiting drive aisle. A solid white bar painted on the pavement 18 inches back from the property line on the exiting drive aisle of the parking Garage driveway was another measure to ensure exiting vehicles stop from the parking Garage prior to crossing the sidewalk and turning onto the roadway. An audio/visual safety system was proposed for the parking Garage exits (see Application Attachment 12, sheet Z-9.0) to detect a vehicle seeking to exit the Garage when the vehicle was forced to stop at the previously mentioned "STOP" features. A loop detector in the ground floor exit drive aisle would sense a disturbance in the magnetic field due to the presence of a vehicle. This sensor would then trigger a processor to sound a bell, whistle, or chime and flash a light to signal pedestrians on the sidewalk and other drivers of the existence of an exiting vehicle. The light warning safety measure was a 360-degree rotating amber light that would illuminate simultaneously with the sound of the bell or whistle. These audio and visual alarms were to assist pedestrians and drivers in detecting potential conflicts. A "YIELD TO EXITING VEHICLES WHEN FLASHING" sign was located beneath the light to describe to passing pedestrians what to do as the warning light flashes. Additional "ACTIVE DRIVEWAY" signage were to be mounted on posts to warn pedestrians on the sidewalk prior to crossing the parking Garage driveway.

The Modified Project maintains all of the Approved Project's Garage's safety features and access location points, as described above. Therefore, the Modified Project maintains the original protection and safeguards and continues to meet the required finding.

In the Approved Project, the location and design of the Garage entrances would not impact the public's use and enjoyment of the Public Open Area. The exterior wall of the garage at grade on Davis Street would have five artists' studios; the balance of the wall would be faced with vitrines in which artwork by local artists would be displayed. In addition, extensive areas of the façade above the ground floor would be provided for artwork. These street level treatments would enliven the public experience as people access the South Public Open Area. The Garage entrances would be located over 400 feet south of Jackson Avenue and would therefore not be located in proximity to the Jackson Avenue or Davis Street Public Open Areas. The transition from the

Garage entrances to the South Public Open Area was designed to be clearly delineated from the Garage entrances. The extensive street frontages on both Crane and Davis Streets and the Crane Street Improvement would provide clear and safe indications of public access. The Garage entrances would capture vehicular traffic before the entrance points to the South Public Open Area. Once within the South Public Open Area, the Garage entrances and their vehicular usage would be shielded and, at most points, not visible to people enjoying the recreational amenities. In particular, the children's play sculpture and water features would be located at considerable distances from Garage entrances.

The Modified Project maintains all of the Approved Project's ground floor uses and the street level façade treatment, as described above. Therefore, the Modified Project maintains the original protection and safeguards and continues to meet the required finding.

***(5) Where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use of development of adjacent areas.***

This finding is not applicable, as no roof parking was requested in the Approved Project and is not requested in the Modified Project.

***Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Sections 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.***

In the Approved Project, the Public Open Areas provided for lighting (see L-108), paving (see L-301), seating (see L-301 for bench details and L-400 for additional seating details), and planting areas (see L-105 and L-106).<sup>3</sup> The signage provided complied with current plaza standards contained in Sections 37-751 and 37-77. Additional signage on Jackson Avenue at Crane and Davis Streets directed the public to the larger open area to the south. Pursuant to section 37-751, one entry plaque was required for every 40 feet of street frontage occupied by the Public Open Area. Thus, 11 entry plaques were to be provided. In addition, one information plaque was to be provided for each of the three Public Open Areas. For the locations of the signs, see L-101 and L-102; for details of the signs, see L-401. As illustrated and enumerated on L-102, the Public Open Area provided the following landscaped amenities as well as recreation water sculptures and curated "art walls" that would have displayed temporary art.

- Trees: 51 trees
- Planting beds: 9,975 sf
- Seating: 1,160 lf (480 lf with backs)
- Lighting: LED lighting in uplights, light poles and under bench lighting that will provide a minimum of not less than two horizontal foot candles.
- Paving: SOT-standard concrete sidewalk with asphalt paver bands along Davis Street Sidewalk Open Area; Hanover asphalt block pavers and safety surfaces in the Public Open Area; and Hanover asphalt block pavers in the Jackson Avenue Public Open Area.
- In addition, the sidewalk treatment of Jackson Avenue, illustrated on Drawing L-101, is designed in accordance with the city's Jackson Avenue Improvement, such as pavement treatments, benches, and trees.
- Bicycle racks: 9
- Drinking fountains: 2
- Signage: 11 entry plaques

<sup>3</sup> All sheet references are to Application Attachment 12.

3 information plaques.

The Modified Project maintains the original design and material features of the Approved Project's Public Open Areas, as described above. Therefore, the Modified Project continues to meet the required finding.

***(b) The #public parking garage# shall be subject to the following conditions:***

***(1) The floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);***

In the Approved Project, the Garage was located on the Modified Project's cellar floor, ground floor, and second floor. (See Z-9.0, Z-10.0 and Z-11.0 (Application Attachment 12).) No parking was located above 23 feet above curb level. The floor area of the Garage was not included in the calculation of floor area in the zoning analysis on Z-3.0 and Z-4.0 (see Application Attachment 12).

The Modified Project largely maintains the original design of the Approved Project's Garage, as described above, less some internal parking layout adjustments. Therefore, the Modified Project continues to meet the required finding and can qualify such garage area as exempt from the definition of floor area.

***(2) The entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and***

The Development Site comprises an entire city block, with over 640 feet of frontage on Davis Street and over 525 feet of frontage on Crane Street. Both Crane Street and Davis Street are narrow 60-foot wide streets with 2-way traffic. There are 12 curb cuts on the northeast (opposite) side of Davis Street and 3 curb cuts on the southwest (opposite) side of Crane Street. The elevated subway line runs above Davis Street.

In the Approved Project, the proposed Garage was accessed by means of a curb cut on Davis Street. The Davis Street Garage entrance/exit had a 25-foot wide curb cut, including splays, that was located approximately 400 feet away from Jackson Avenue and approximately 65 feet away from the beginning of the South Public Open Area. Due to the proximity of the curb cut to the South Public Open Area, the curb cut was provided with warning lights and bells to alert pedestrians of exiting vehicles.

There was an additional curb cut for an enclosed loading berth, located on Davis Street. The curb cut was 25 feet in width, including splays. The Davis Street loading berth was located approximately 207 feet away from Jackson Avenue and approximately 168 feet away from Garage entrance/exit. Similar to the Davis Street Garage entrance/exit, the curb cut was provided with warning lights and bells to alert pedestrians of exiting vehicles.

The Crane Street Garage entrance/exit was located approximately 410 feet away from Jackson Avenue and approximately 88 feet from the beginning of the South Public Open Area and the Crane Street Improvement. Similar to the Garage entrance/exit on Davis Street, the curb cut was provided with warning lights and bells to alert pedestrians of exiting vehicles.

All curb cuts were over 200 feet away from Davis Street and Crane Street's intersection with Jackson Avenue. Their locations were distant enough from the corner as not to cause any undue traffic impact. Along Davis Street, the ground floor street frontage was the most activated of other frontages as it included almost 200 feet of ground floor retail frontage, a loading berth, five individual art studios, a Garage entrance/exit, three recessed art niches, and the entrance to the

South Public Open Area. The transition from Jackson Avenue to the South Public Open Area signaled pedestrians through the use of widened sidewalks and plantings. The design of the Davis Street Public Area and the safety enhancements, specifically at curb cuts, ensured pedestrian safety along Davis Street.

Along Crane Street, the ground floor frontage was less activated than the Davis Street frontage. It included the North Tower Entrance, 80 feet of gallery frontage, the tenant lounge space frontage (without access to the street), the South Tower Entrance, a Garage entrance/exit and the entrance to the South Public Open Area and the Crane Street Improvement. It was understood that the Crane Street sidewalk would be more heavily trafficked by residents of the Modified Project rather than the general public (as opposed to Davis Street). Along Crane Street, the transition from Jackson Avenue to the South Public Open Area was relatively subtle with a few recessed benches along the sidewalk and open areas directly in front of the North and South Tower Entrances. Therefore, the public realm design and safety enhancements, specifically at curb cuts, ensured pedestrian safety along Crane Street.

The Modified Project does not change any of the Approved Project's Garage's safety features nor access location points, as described above. In addition, the street level improvements and public realm enhancements are also maintained. Therefore, the Modified Project maintains the original design intent to avoid undue traffic and pedestrian hazard and continues to meet the required finding.

***(3) At the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.***

In the Approved Project, the proposed Garage would provide 250 spaces. Twelve reservoir spaces were required pursuant to Section 117-56, and 12 reservoir spaces were proposed to be located at each of the 2 entrances. The Garage would be in compliance with the requirements for reservoir spaces in Section 117-56. See Z-9.0 and Z100 for the location of the reservoir spaces at the 2 proposed Garage entrances.

The Modified Project does not change any of the Approved Project's Garage's capacity or reservoir capacity, as described above. Therefore, the Modified Project continues to meet the required finding.

***The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.***

***Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to May 22, 2013, may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.***



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

### Major Zoning Classifications:

The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R — RESIDENTIAL DISTRICT

C — COMMERCIAL DISTRICT

M — MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

⋯⋯⋯ AREA(S) REZONED

### Effective Date(s) of Rezoning:

07-24-2014 C 140275 ZMO

### Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

ZONING MAP

9b

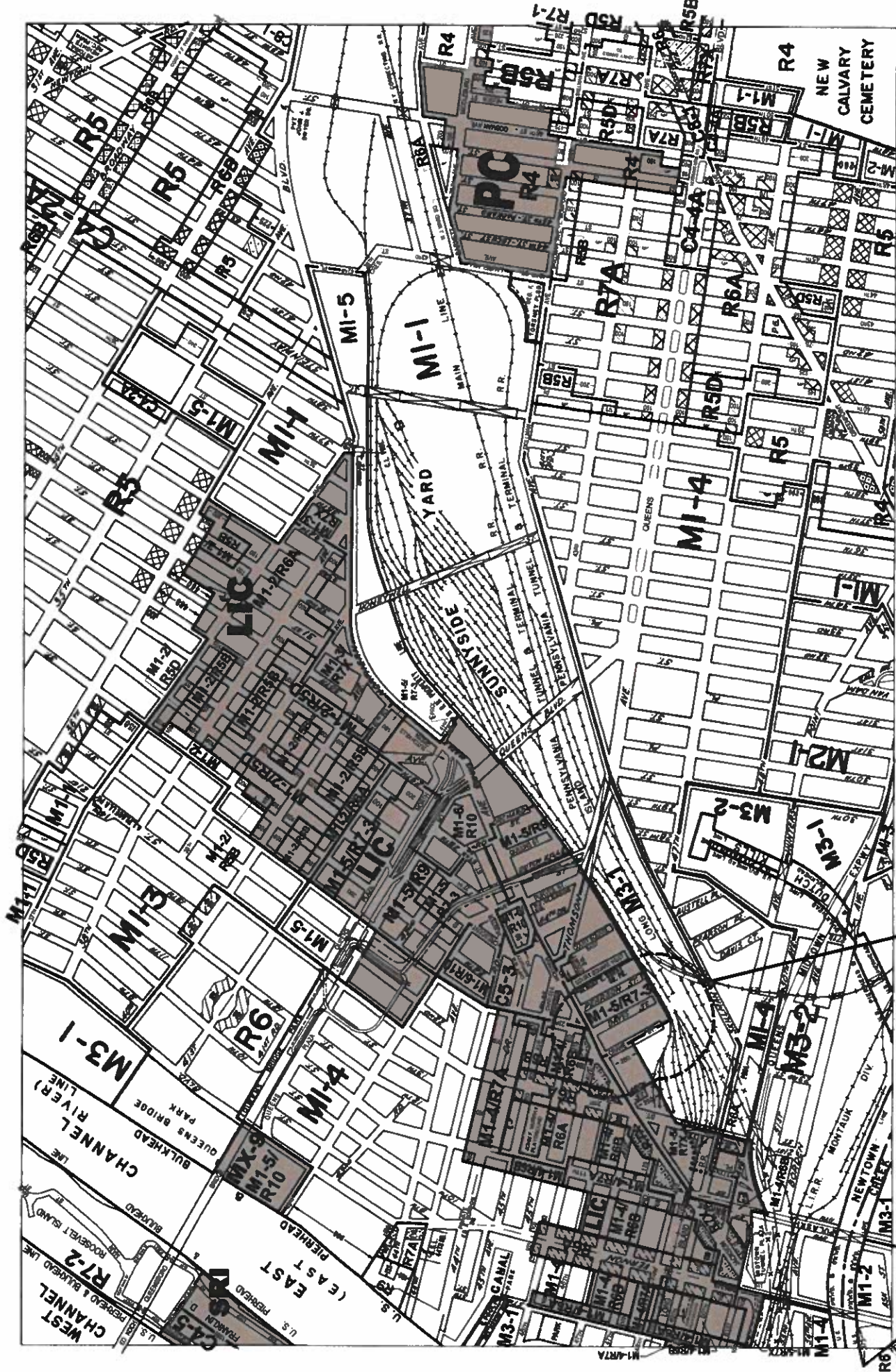


MAP KEY

8c	9a	9c
8d	9b	9d
12c	13a	13c

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**NOTE:** Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3581.



C-1-1 C-1-2 C-1-3 C-1-4 C-1-5 C-2-1 C-2-2 C-2-3 C-2-4 C-2-5

**NOTE:** Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

Proposed Project Area