



## Legislation Text

File #: Res 0493-2014, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 493

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140323 (A) ZSQ (L.U. No. 126), for the grant of special permit pursuant to Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning lot lines; Section 74-743(a)(2) - to modify the minimum distance between building requirements of Section 23-711 (Standard minimum distance between buildings), and to allow the location of buildings without regard to the yard requirements of Section 23-47 (Minimum required rear yards) and the court requirements of Section 23-85 (Inner court regulations); and Section 74-743(a)(6) - to modify the requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines); in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3<sup>rd</sup> Street, the U.S. Pierhead and Bulkhead Line, 9<sup>th</sup> Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development, within the Halletts Point Peninsula, Borough of Queens.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 29, 2014 its decision dated September 29, 2014 (the "Decision"), on the application submitted by 2030 Astoria Developers, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to modify the minimum distance between building requirements of Section 23-711 (Standard minimum distance between buildings), and to allow the location of buildings without regard to the yard requirements of Section 23-47 (Minimum required rear yards) and the court requirements of Section 23-85 (Inner court regulations); and
3. Section 74-743(a)(6) - to modify the requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines);

in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3<sup>rd</sup> Street, the U.S. Pierhead and Bulkhead Line, 9<sup>th</sup> Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development, within the Halletts Point Peninsula (ULURP No. C 140323 (A) ZSQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications C 140324 (A) ZSQ (L.U. 127), a special permit, pursuant to Section 62-836, to permit bulk modifications within waterfront blocks; C 140322 ZMQ (L.U. No. 128), an amendment to the Zoning Map, Section No. 9a, changing from an M1-1 District to an R7-3 District with a C2-4 overlay; changing from an R6 District to an R7A District with a C2-4 overlay; and changing from an R6 District to an R6B District; N 140329 (A) ZRQ (L.U. No. 129), an amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing and modifying Article VII, Chapter 4, relating to Large-Scale General Development; N 140325 ZAQ (L.U. No. 130), an authorization by the City Planning Commission, pursuant to Section 62-822(a), to permit area and dimension modifications for a waterfront public access area and visual corridors within a large-scale general development; and C 130384 MMQ (L.U. No. 131), an amendment to the City Map to (a) establish 4<sup>th</sup> Street between 26<sup>th</sup> Avenue to the edge of the proposed waterfront esplanade and; (b) eliminate 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the U.S. Pierhead and Bulkhead Line;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 20, 2014;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”) (CEQR No. 13DCP127Q), for which a Notice of Completion was issued on September 19, 2014, as adjusted by the subsequent CEQR Technical Memoranda dated September 26, 2014 and November 14, 2014 (collectively, the “Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS and the Technical Memoranda meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, action to be approved, with the modifications set forth herein and in the Technical Memoranda (the “Modified Proposed Action”), is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by requiring as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 140323(A) ZSQ, **as modified by the New York City Council as of November 12, 2014**, those mitigation measures

that were identified as practical; and

- (4) The Decision along with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140323 (A) ZSQ, incorporated by reference herein, the Council approves the Decision, with the following modifications and subject to the following conditions:

Matter in ~~strike through~~ is old, deleted by the Council;  
Matter in **bold underline** is new, added by the Council.

- 1. The property that is the subject of this application (C 140323 (A) ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by STUDIO V Architects, PLLC and WORKSHOP: Ken Smith Landscape Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-102.A	Zoning Analysis	07/07/2014
Z-102.B	Zoning Analysis	09/22/2014
Z-103.00	Site Plan	07/07/2014
Z-200.00	Building 1 Site Plan & Base Plan Calculations	07/07/2014
Z-201.00	Building 1 Height & Setback Diagram	07/07/2014
Z-210.00	Building 2 Site Plan & Base Plan Calculations	09/22/2014
Z-211.00	Building 2 Height & Setback Diagram	07/07/2014
Z-220.00	Building 3 Site Plan & Base Plan Calculations	07/07/2014
Z-221.00	Building 3 Height & Setback Diagram	07/07/2014
Z-230.00	Building 4 Site Plan & Base Plan Calculations	09/22/2014
Z-231.00	Building 4 Height & Setback Diagram	09/22/2014
Z-240.00	Building 5 & School Site Plan & Base Plan Calculations	09/22/2014
Z-241.00	Building 5 & School Height & Setback Diagram	09/22/2014
Z-500.00	Overall Phasing Plan	07/07/2014
Z-501.00	Phasing Plan Phase 1	07/07/2014
Z-502.00	Phasing Plan Phase 2	<b><u>11/12/2014</u></b>
Z-503.00	Phasing Plan Phase 3	07/07/2014
Z-504.00	Phasing Plan Phase 4	<b><u>11/12/2014</u></b>
L-100.00	Waterfront Public Access Area Plan	07/07/2014
L-110.00	Zoning Calculations	10/07/2014
L-111.00	Zoning Calculations 2	07/07/2014
L-112.00	Zoning Calculations 3	07/07/2014
L-300.00	Overall Site Plan	07/07/2014
L-310.00	Dimension Plan North	07/07/2014
L-311.00	Dimension Plan South	07/07/2014
L-320.00	Materials Plan North	07/07/2014
L-321.00	Materials Plan South	07/07/2014
L-330.00	Grading Plan North	07/07/2014
L-331.00	Grading Plan South	07/07/2014
L-340.00	Seating Plan North	07/07/2014

L-341.00	Seating Plan South	07/07/2014
L-350.00	Furnishings Plan North	07/07/2014
L-351.00	Furnishings Plan South	07/07/2014
L-360.00	Planting Plan North	07/07/2014
L-361.00	Planting Plan South	07/07/2014
L-400.00	Landscape Sections	07/07/2014
L-401.00	Landscape Sections	07/07/2014
L-402.00	Landscape Sections	07/07/2014
L-500.00	Landscape Details Paving	07/07/2014
L-501.00	Landscape Details, Curbs, Stairs, Walls	07/07/2014
L-502.00	Landscape Details, Curbs, Stairs, Walls	07/07/2014
L-503.00	Landscape Details Fence & Gate Details	07/07/2014
L-510.00	Landscape Details Site Furnishings	07/07/2014
L-511.00	Landscape Details Site Furnishings	07/07/2014
L-512.00	Landscape Details Play Equipment	07/07/2014
L-513.00	Landscape Details Play Equipment	07/07/2014
L-514.00	Landscape Details Play Equipment	07/07/2014
L-515.00	Landscape Details Signage	07/07/2014
L-520.00	Landscape Details Planting	07/07/2014

LT-100.00	Lighting Plan North	07/07/2014
LT-101.00	Lighting Plan South	07/07/2014
LT-110.00	Photometric Plan North	07/07/2014
LT-111.00	Photometric Plan South	07/07/2014
LT-200.00	Lighting Fixture Details	07/07/2014
LT-201.00	Lighting Fixture Details	07/07/2014
LT-202.00	Lighting Fixture Details	07/07/2014
LT-400.00	Lighting Section	07/07/2014
LT-401.00	Lighting Section	07/07/2014
LT-402.00	Lighting Section	07/07/2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration attached as Exhibit A to CPC Decision C 140323(A) ZSQ, **as modified by the New York City Council**

**as of November 12, 2014**, subject to administrative and technical changes acceptable to Counsel to the Department, is executed by 2030 Astoria Developers, LLC or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

6. Such development shall conform to the procedures and requirements for determining the amount of publicly-subsidized affordable housing that may be counted toward the Inclusionary Housing requirement, as delineated in the above-mentioned Restrictive Declaration, **as modified by the New York City Council as of November 12, 2014**.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agents failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 25, 2014, on file in this office.

City Clerk, Clerk of The Council