



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1980

Resolution approving the decision of the City Planning Commission on ULURP No. C 090486 ZSQ (L.U. No. 907), for the grant of a special permit pursuant to Section 74-743(a) (1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines; Section 74-743(a) (2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and Section 74-743(a)(11) - to allow the distribution of floor area from a zoning lot containing existing public housing buildings; in connection with a proposed mixed-use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100 & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, Borough of Queens.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, 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 of the City of New York:

1. Section 74-743(a) (1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a) (2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and
3. Section 74-743(a)(11) - to allow the distribution of floor area from a zoning lot containing existing public housing buildings;

in connection with a proposed mixed-use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100 & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, (ULURP No. C 090486

ZSQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

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 2, 2013;

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") for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the "Technical Memorandum");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical

Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.

- (4) The Decision together with the FEIS and the Technical Memorandum 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 090486 ZSQ, and incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 090486 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 James Corner Field Operations, filed with this application and incorporated in this resolution:

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-102.00	Zoning Calculations	08/13/2013
Z-103.00	Buildings 1 thru 5 Adjusted Base Plane Calculations	08/13/2013
Z-103.01	Buildings 6 thru 8 Adjusted Base Plane Calculations	08/13/2013
Z-104.00	Existing NYHCA Astoria Houses Site Plan W/ Area Calcs.	08/13/2013
Z-105.00	Development Overall Site Plan	08/13/2013
Z-200.00	Buildings 1 thru 6 Waiver Plan (Area P1)	08/13/2013
Z-201.00	Building 7 Waiver Plan (Area P2)	08/13/2013
Z-202.00	Building 8 Waiver Plan (Area P3)	08/13/2013
Z-210.00	Building 1 Height & Setback Diagrams	08/13/2013
Z-211.00	Building 2 Height & Setback Diagrams	08/13/2013
Z-212.00	Building 3 Height & Setback Diagrams	08/13/2013
Z-213.00	Building 4 Height & Setback Diagrams	08/13/2013
Z-214.00	Building 5 Height & Setback Diagrams	08/13/2013
Z-215.00	Buildings 6 thru 8 Height & Setback Diagrams	08/13/2013
Z-216.00	School Height & Setback Diagrams	08/13/2013
G-171.00	Survey - Match Line 1	08/13/2013
G-172.00	Survey - Match Line 2	08/13/2013

L-013.00	WPAA Diagram	08/13/2013
L-138.00	East PAA Lighting	08/13/2013
L-139.00	East PAA Photometrics	08/13/2013
L-141.00	Special PAA Details - PAA Sign and Parks Seating Steps	08/13/2013
L-190.00	Zoning Calculations 01	08/13/2013
L-191.00	Zoning Calculations 02	08/13/2013
L-192.00	Zoning Calculations 03	08/13/2013
L-231.00	WPAA Layout Plan	08/13/2013
L-232.00	WPAA Layout Roof Plan	08/13/2013
L-241.00	Material Plan	08/13/2013
L-251.00	Seating Plan	08/13/2013
L-261.00	Furnishing and Signage Plan	08/13/2013
L-271.00	Planting Plan (Trees)	08/13/2013
L-272.00	Planting Plan (Shrubs + Grass + Perennials)	08/13/2013
L-281.00	Lighting Plan South	08/13/2013
L-282.00	Lighting Plan North	08/13/2013
L-283.00	Lighting Plan Photometrics South	08/13/2013
L-284.00	Lighting Plan Photometrics North	08/13/2013
L-291.00	Grading Plan	08/13/2013
L-310.00	Site Details - Paving	08/13/2013
L-320.00	Site Details - Wood Deck 1	08/13/2013
L-321.00	Site Details - Wood Deck 2	08/13/2013
L-330.00	Site Details - Railing	08/13/2013
L-331.00	Site Details Railing and Stairs	08/13/2013
L-332.00	Site Details - Fence	08/13/2013
L-340.00	Site Details - Furnishing	08/13/2013
L-341.00	Site Details - Furnishing	08/13/2013
L-342.00	Site Details - Furnishing	08/13/2013
L-343.00	Site Details - Furnishing	08/13/2013
L-344.00	Site Details - Furnishing	08/13/2013
L-346.00	Site Details - Furnishing	08/13/2013
L-347.00	Site Details - Furnishing	08/13/2013
L-350.00	Site Details Lighting (Fixtures)	08/13/2013
L-360.00	Site Details - Planting	08/13/2013
L-370.00	Site Details - Signage	08/13/2013
L-401.00	Site Section 1	08/13/2013
L-402.00	Site Section 2	08/13/2013
L-403.00	Site Section 3	08/13/2013
L-404.00	Site Section 4	08/13/2013
L-406.00	Site Section 6	08/13/2013
L-601.00	Phase 1 Site Plan	08/13/2013
L-602.00	Phase 2 Site Plan	08/13/2013
L-603.00	Phase 3 Site Plan	08/13/2013
L-604.00	Phase 4 Site Plan	08/13/2013
L-605.00	Phase 5 Site Plan	08/13/2013

L-606.00	Phase 6 Site Plan	08/13/2013
L-607.00	Phase 7 Site Plan - Full Build	08/13/2013

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 Restrictive Declaration referred to and attached as Exhibit A to the City Planning Commission reports C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ, as same may be modified with any necessary administrative or technical changes or changes necessary to implement execution by NYCHA, all as acceptable to counsel to the Department of City Planning, is executed by Halletts A Development Corporation and NYCHA 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. 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.

7. 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 October 9, 2013, on file in this office.

City Clerk, Clerk of The Council