



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 10/9/2013

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**Title:** Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) 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 (Non-ULURP No. N 090487 ZAQ; L.U. No. 908).

**Sponsors:** Leroy G. Comrie, Jr., Mark S. Weprin

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 10-9-13

| Date      | Ver. | Action By             | Action                | Result |
|-----------|------|-----------------------|-----------------------|--------|
| 10/9/2013 | *    | Committee on Land Use | Approved by Committee |        |
| 10/9/2013 | *    | City Council          | Approved, by Council  | Pass   |

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1981

Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by 26<sup>th</sup> Avenue and its westerly prolongation, 2<sup>nd</sup> Street, 27<sup>th</sup> Avenue, 8<sup>th</sup> 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 26<sup>th</sup> Avenue, 27<sup>th</sup> 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 (Non-ULURP No. N 090487 ZAQ; L.U. No. 908).

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 and New York City Housing Authority for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50

(GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by 26<sup>th</sup> Avenue and its westerly prolongation, 2<sup>nd</sup> Street, 27<sup>th</sup> Avenue, 8<sup>th</sup> 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 26<sup>th</sup> Avenue, 27<sup>th</sup> 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, Community District 1, Borough of Queens (Non-ULURP No. N 090487 ZAQ) (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; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings 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 26<sup>th</sup> Avenue, 27<sup>th</sup> 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 62-822(a) 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 City Planning Commission has made the findings required pursuant to Section 62-822 (a) of the Zoning Resolution of the City of New York;

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");

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

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 Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 090487 ZAQ and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (N 090487 ZAQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by 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> |
|-----------------|---|--------------------------|
| 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<br>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 +<br>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 |

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 and maintenance.
4. 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.
5. 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 restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any 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 to disapprove any application for modification, cancellation or amendment of the authorization.

6. 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 agent's failure to act in accordance with the provisions of this authorization.
  
7. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report on the related application for a special permit (C 130244 ZSQ), with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Queens County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

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.

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City Clerk, Clerk of The Council