



## **CITY PLANNING COMMISSION**

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September 24, 2008/Calendar No. 9

N 080363 ZRQ

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**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 5 (Special Southern Hunters Point District) to establish a special district and modify related regulations, in Community District 2, Borough of Queens.

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The application for an amendment to the New York City Zoning Resolution was filed by the New York City Economic Development Corporation (EDC) on April 2, 2008 to establish the Special Southern Hunters Point District (SHP District), establish a Waterfront Access Plan (WAP) for a portion of the Newtown Creek shoreline, and modify certain other provisions of the Zoning Resolution. The proposed zoning text amendments, in conjunction with the related actions, would facilitate new development in Hunter's Point, in Community District 2, Queens.

### **RELATED ACTIONS**

In addition to the application for the amendment of the New York City Zoning Resolution that is the subject of this report (N 080363 ZRQ), implementation of the proposed developments also requires action by the City Planning Commission on the following applications that are being considered concurrently with this application:

**C 080276 MMQ:** Amendment to the City Map involving the elimination of mapped but unbuilt streets and parkland and the establishment of new streets, public place, and parkland. The application was filed by EDC and the New York City Department of Parks and Recreation (DPR).

**C 080362 ZMQ:** Amendment of the Zoning Map. This application was filed by EDC and the New York City Department of Housing Preservation and Development (HPD).

**C 080364 PQQ:** Acquisition of the Hunter's Point South site as well as portions of land under water owned by the State of New York. This application was filed by the New York City Department of Housing Preservation and Development (HPD).

**C 080365 HAQ:** Designation of an Urban Development Action Area and Project, and the disposition of city-owned property. This application was filed by HPD.

## **BACKGROUND**

The Office of the Deputy Mayor for Economic Development and Rebuilding, in coordination with EDC, HPD, and DPR, is sponsoring an initiative by the City of New York (the city) to implement the Hunter's Point South Rezoning and Related Actions project in the Hunter's Point neighborhood of Long Island City, Queens. The project includes two sites: Hunter's Point South and Site B, together comprising approximately 37.5 acres along portions of the Hunter's Point East River and Newtown Creek waterfronts, located in the southwesternmost corner of Queens.

## **HUNTER'S POINT SOUTH LAND USE**

The Hunter's Point South site is approximately 30 acres and located generally between 50th Avenue, Second Street, Newtown Creek, and the East River. The site is zoned M3-1 and is occupied by a variety of low density commercial uses. Tennisport, a private tennis club with accessory parking and restaurant, occupies the northernmost six acres of the Hunter's Point South site. Adjacent to the tennis facility at the intersection of 50th Avenue and Second Street is a vacant area currently used as a dog run.

A ferry landing now used seasonally by the New York Water Taxi and Water Taxi Beach and a public parking lot occupy the central portion of the site. New York Water Taxi provides service from Hunter's Point to stops in Brooklyn and Manhattan between May and September. Water Taxi Beach, located just north of the ferry landing, is a 44,000-square-foot concession operated by New York Water Taxi. It is open from Memorial Day to Columbus Day and features volleyball nets, shaded tents, and a restaurant and bar. The water taxi site was formerly occupied by Norval Cement and contained several concrete silos.

The area directly south of the New York Water Taxi facility is used as a parking lot for approximately 100 cars as well as delivery trucks from the Anheuser-Busch facility on Site B.

The southernmost portion of the Hunter's Point South site is used as a temporary storage site for a local contractor. It was formerly the site of a vacant Daily News printing plant.

Beneath the Hunter's Point South site are tunnels for both vehicles (the Queens-Midtown Tunnel) and trains (Amtrak, Long Island Rail Road (LIRR), and NJ Transit) travelling between Queens and Manhattan. An emergency tunnel ventilation structure also occupies a small portion of the Hunter's Point South site fronting the west side of Second Street, just south of Borden Avenue. The structure is owned by Amtrak and is not part of the Hunter's Point South project.

#### **SITE B LAND USE**

Site B is approximately 7.5 acres and is generally located between 54th Avenue, the western edge of the prolongation of Fifth Street, Newtown Creek, and Second Street. Site B is zoned M1-4 and is occupied by several low-rise buildings used primarily by Anheuser Busch as a beverage distribution facility. Independent of the proposed actions, Anheuser Busch will relocate to a new 12-acre waterfront site in the Hunts Point Food Distribution Center in the Bronx. The company is constructing a new building that is expected to be completed sometime in 2008. A portion of one of the buildings on Site B is also occupied by NBC and is used for storage, office, and studio-related uses. NBC's lease runs through February 2010.

#### **ZONING**

The M3-1 District on the Hunter's Point South site allows heavy industries that generate noise, traffic, or pollutants, in addition to allowing light industrial uses, office uses, some retail uses, and radio, television or motion picture studio-related museums. All manufacturing and industrial uses are required to conform to performance standards for emissions, noise, vibrations. The maximum FAR (floor area ratio) for commercial and manufacturing uses is 2.0. The M3-1 District also allows Use Group 3A museums limited to 75,000 square feet of floor area if they are ancillary to and within 500 feet of an existing motion picture, television, or radio production studio. The maximum FAR for such museums is 6.5.

The M1-4 District on Site B allows manufacturing and industrial uses, office uses, most retail uses, and limited community facility uses as-of-right. M1 districts have the strictest performance standards of the manufacturing districts. The maximum FAR for commercial and manufacturing uses is 2.0 and the maximum FAR for community facility uses is 6.5.

The waterfront zoning provisions for each of the existing Manufacturing districts establish a maximum base height of 60 feet before a required setback and a maximum height limit for a building of 110 feet. Public waterfront access would be required of commercial and community facility developments in both of the existing zoning districts.

## **HISTORY**

The Hunter's Point South site constitutes nearly the southern half of a publicly-sponsored development project now known as Queens West and formerly called the Hunters Point Waterfront Project. The Queens West project was approved by the Board of Estimate in August 1990 and by the New York State Urban Development Corporation (now the Empire State Development Corporation, or ESDC) in September 1990. Under an agreement reached with the City and the Port Authority of New York and New Jersey (PANYNJ) in the late 1980's as a way to implement the Queens West development project, the former Urban Development Corporation agreed to act as lead agency under the New York State Environmental Quality Review Act (SEQRA) and to exercise its power of condemnation and zoning override. A New York State General Project Plan (GPP) was adopted to serve as zoning for the site; the GPP went into effect only when the state took title to property. The project's street and park network was established through the approval of a ULURP application for changes to the City Map. After the project was approved, the Queens West Development Corporation was formed to implement the project. The QWDC includes representatives from ESDC, PANYNJ, and the City of New York. The Queens West Development Corporation (QWDC) initiated in April 2008 its formal process for removing the Hunter's Point South site from the Queens West project boundary to facilitate the plan that is the subject of these ULURP applications.

The approved Queens West development plan allows 9.3 million square feet of new development,

including nearly 6,400 apartments, 2.1 million square feet of office space, a 350-room hotel, retail and community facility space and 18.2 acres of public parkland. The blocks comprising the northern half of the site are largely residential with some local retail and a public school. Some have been developed and others will be developed following the conclusion of a soil remediation effort that started earlier this year. Four blocks in the southern half of the Queens West site, (now part of the Hunter's Point South site), were approved for office and hotel use, and the remaining blocks were approved for residential use. None of these blocks have been developed to date, leading the city to consider other plans for the property.

In 2004, New York City, in collaboration with New York State's Empire State Development Corporation and PANYNJ, developed a plan for a 48-acre area in Hunter's Point as part of the City's bid for the 2012 Summer Olympic Games. This area included the Hunter's Point South site, Site B, and additional privately-owned property along Newtown Creek and was proposed to be developed with the Olympic Village. The Olympic Village was to consist of a residential development of approximately 4,500 units in a mix of high-rise and low-rise buildings, a substantial amount of public parkland, and athlete training facilities, such as multi-sport fields and tennis courts.

When the city was not selected as the 2012 host city, it evaluated the Hunter's Point South site in light of changing market conditions. Demand for office space at the site was weak, and the city's need for affordable housing continued to grow. The site's size, at 30 acres, offered an important resource to help meet the city's plan to develop affordable housing. In October 2006, the city reached an agreement with PANYNY and ESDC to purchase the site and remove it from the Queens West project. Site B was placed on the market at roughly the same time and the city commenced a planning and development strategy for both sites that is the subject of this application.

## **PROPOSED PROJECT**

The Hunter's Point South and Site B developments would include up to 6,650 housing units (up to 3,330 units would be affordable), local retail and community facility uses, a new public school, new public parks and open spaces, and new public streets and circulation space, as described in detail

below. The 30-acre Hunter's Point South site consists of seven blocks identified by the letters A through G that would be created by the proposed public street and park network. Site B consists of one block.

### ***Residential***

Up to 5 million square feet of residential space or 5,000 dwelling units would be developed on the Hunter's Point South site. Of these housing units, 60 percent (3,000 units) would be permanently affordable to households earning roughly between \$55,000 and \$158,000 for a family of four (80 to 165 percent of the HUD income limits). A range of income tiers is proposed within these income bands, including 80 percent, 130 percent, and 165 percent of the HUD income limits. The remaining 40 percent of the housing units (2,000 units) would be market-rate units. On Site B, up to 1.65 million square feet or 1,650 dwelling units could be built. Of these housing units, 20 percent (330 units) would be permanently affordable to families earning less than \$61,400, and the remaining 80 percent of the units (1,320 units) would be market-rate.

### ***Retail***

The project would include ground floor space for new local retail uses along Second Street, Borden Avenue, and four blocks along Center Boulevard. Up to 90,500 square feet of retail space is anticipated at the Hunter's Point South site and 36,000 square feet of retail is anticipated at Site B.

### ***Community Facilities***

#### **School**

An approximately 180,000 square foot public school would be located on western half of Block B on the Hunter's Point South site, with frontage along Center Boulevard, 51st Avenue, and Borden Avenue. It is estimated that this school would provide approximately 1,250 seats for grades 6 through 12.

#### **Other Community Facility Uses**

Approximately 45,000 square feet of space for community facilities, such as a community center, day care facility, medical or non-profit organization offices, or a similar type of use would also be provided for on the Hunter's Point South site.

### ***Public Parks and Open Space***

Two public parks would be constructed with city capital budget funds on the Hunter's Point South site. A waterfront park of more than 10 acres would be constructed along the East River and Newtown Creek frontages and would include passive and active recreational opportunities, as well as pedestrian and bicycle paths. An approximately .35 acre public park would also be constructed along the south side of 55th Avenue between Center Boulevard and Second Street.

Development on Site B would include a required 40 foot-wide publicly accessible shore public walkway along the site's Newtown Creek frontage in accordance with waterfront zoning. A supplemental public access area would also be required. As proposed in the SHP District, a 1.0 FAR floor area bonus proposed for Site B would provide for the development of a publicly accessible private street and a landscaped publicly accessible private open area. The street would be an extension of 55th Avenue, proposed to be established across Second Street to the west of Site B. It would roughly bisect the site and continue northerly to intersect with 54th Avenue. The landscaped, publicly accessible private open area would be located on the south side of 55th Avenue between Second Street and a required upland connection to be developed on the eastern edge of the site.

### ***Class-1 Bikeway***

A two-way bikeway would be integrated into the mapped street and park network. The bikeway would run in the proposed waterfront park parallel to Center Boulevard, extend into the street network at 57th Avenue, and continue northerly on the eastern side of Second Street. The bikeway on Second Street would be separated from traffic lanes by a planted median.

### ***Parking***

Accessory off-street parking would be provided to meet demand generated by the proposed uses. The Economic Development Corporation and HPD are proposing to provide accessory off-street parking spaces for up to 40 percent of the units on the Hunter's Point South site in above-grade parking facilities located in the bases of the proposed buildings and concealed by residential and retail uses that would wrap around the perimeter of the garages. The proposed HPS District would allow, but not require, parking for up to 40 percent of the units on Site B. On-street parking would

also be available.

## **REQUIRED ACTIONS**

Zoning map and text amendments, acquisition and disposition of property, and amendments to the City Map are required to facilitate the proposed developments.

### **ZONING TEXT AMENDMENT (N 080363 ZRQ)**

Zoning text amendments are proposed to establish the Special Southern Hunters Point District on Site B and the Hunter's Point South site to ensure their redevelopment is consistent with the design envisioned for the project. A Waterfront Access Plan is also proposed to modify the waterfront public access requirements for Site B.

#### ***Special Southern Hunters Point District***

The proposed Special Southern Hunters Point District (SHP District) provisions would modify the use, bulk, and parking provisions of the proposed underlying R7-3, R10, and C2-5 districts. The SHP District would include the East River Subdistrict on the Hunter's Point South site and the Newtown Creek Subdistrict for Site B. The proposed SHP District includes a number of special use, bulk, and height and setback provisions applicable for both sites to ensure active, pedestrian-oriented ground floors, including pedestrian-scaled building bases located at the street line, a varied skyline with tapered building tops, allowing panoramic views through the two sites of Midtown Manhattan and the East River and Newtown Creek waterfronts, wrapped accessory parking garages, tree-planted sidewalks, and small, landscaped public pedestrian spaces at key locations.

#### **Special Use Provisions**

The proposed C2-5 District use provisions would be modified to ensure active, pedestrian-oriented ground floor uses and design.

- Non-residential uses would be required on the ground floors of buildings on the Hunter's Point South site as follows: on blocks A - E along Second Street, on blocks E and F along Center Boulevard, and on Block C along Borden Avenue. Non-residential uses would also be required on the ground floors of buildings along Second Street on Site B.



- For buildings with non-residential ground-floor uses, the SHP District would include special transparency provisions would apply to ensure that windows are provided in large portions of the building's street wall.
- Security gates for commercial or community facility uses would be required to allow visibility of seventy five percent of the area covered by the gate when closed. This provision would not apply to parking garage entrances or exits.

### **Special Floor Area Provisions**

The floor area ratios of the proposed underlying R10 (10.0 FAR with a 2.0 FAR Inclusionary Housing bonus) and R7-3 (5.0 FAR) districts would be modified by the proposed subdistrict provisions. Within the East River Subdistrict, the underlying Inclusionary Housing bonus would be eliminated and special FARs would be established for each block: A, 12.0; B, 10.0; C, 10.5; D, 12.0; E, 12.0; F, 10.0; and G, 12.0.

The proposed Newtown Creek Subdistrict would lower from 5.0 to 2.75 the base FAR of the proposed underlying R7-3 District and include two floor area bonuses for development. A floor area bonus of 1.0 FAR would be available for the provision of a new publicly accessible private street and an abutting publicly accessible private open area. The private street would function as the easterly prolongation of 55th Avenue, curving northerly to intersect with 54th Avenue. A second floor area bonus of 1.25 FAR would be available for the provision of affordable housing through the Inclusionary Zoning program, and the SHP District would make the program applicable to the proposed R7-3 District. As defined in the Zoning Resolution, the Inclusionary Zoning program permits an increase in the floor area of residential developments in exchange for the permanent provision of below-market-rate housing for low-, moderate-, and middle-income households. The affordable housing may be provided on-site, within Community District 2 or an adjacent community district, and it must be developed and administered pursuant to a Lower Income Housing Plan with the Department of Housing, Preservation and Development. Other city, state, and federal housing finance programs could be used to provide further assistance in the creation of the affordable housing. The proposed 1.0 FAR bonus could be exercised without the additional 1.25 FAR Inclusionary Zoning bonus; however, the Inclusionary Zoning bonus could be used only if the 1.0

FAR bonus was used.

### **Special Height and Setback Provisions**

Special height and setback provisions are proposed to modify the underlying provisions of the proposed R7-3 and R10 districts. The proposed special district provisions were developed to ensure pedestrian-scaled building bases, a varied skyline, a variety of tower types and views throughout both sites.

- **Street wall Location.** Street walls would generally be required to be at the street line, except at key corner locations along Center Boulevard. Recesses of up to three feet in depth would be allowed on the ground floor of a building to allow building access and recesses of up to five feet in depth would be allowed on the ground floor of a building to allow for infrastructure access. After a height of 12 feet above grade, up to 30 percent of the aggregate width of a street wall could be recessed beyond the street line.
- **Building Bases.** Minimum and maximum base heights would be 40 and 70 feet, respectively. A building setback of 10 feet on a wide street and 15 feet on a narrow street would generally be required after the maximum base height. For the purposes of the proposed special district, certain narrow streets would be designated wide streets: Second Street between Borden Avenue and 54th Avenue; 55th Avenue between Center Boulevard and Second Street; any publicly accessible private street and open area constructed pursuant to the proposed zoning bonus for Block B; and Center Boulevard between 50th Avenue and 57th Avenue. Above the applicable maximum base height, the maximum building height would be 125 feet except where towers are allowed.
- **Tower Provisions.** The SHP District would regulate the locations, maximum heights, and maximum floor plates of towers (i.e., portions of buildings higher than 125 feet). Broad towers would be limited to a maximum floor plate of 11,000 square feet and point towers would be limited to a maximum floor plate of 9,000 square feet. Where tower heights are limited to 310 feet and 360 feet, such heights could be exceeded by a penthouse portion only if any additional story is at least 85 percent or less than the size of the floor plate below the height limit, and the maximum height of the penthouse does not exceed 40 feet. The location

and size of rooftop mechanical equipment would be limited in size and height and screening would be required.

- **Balconies.** Balconies would not be allowed below the minimum base height. Above the maximum base height, balconies would be allowed as long as at least 50 percent of the balcony is surrounded by building walls.

### **District Plan Elements**

Special urban design and other provisions would be established for blocks within the proposed SHP District.

- Sidewalk widenings of two feet would be required along 50th Avenue and Second Street between Borden and 54th Avenues, and five-foot sidewalk widenings would be required along the Second Street frontages of Blocks A, B, D, E, and F.
- Street tree planting would be required on all sidewalks. Trees would be required every 25 feet, according the specifications and standards of the Department of Parks and Recreation.
- Enclosed and unenclosed sidewalk cafes would be allowed.

The design requirements for the publicly accessible private street and open area resulting from the proposed 1.0 FAR zoning bonus for the Newtown Creek Subdistrict would require the street and open area to be developed consistent with proposed 55th Avenue and abutting public parkland on Block D in the East River Subdistrict. The Chair of the City Planning Commission would be required to certify that an acceptable restrictive declaration is executed and filed binding the owners to develop and maintain the area in accordance with standards acceptable to the Department of Parks and Recreation.

### **Waterfront Access Plan**

A Newtown Creek Waterfront Access Plan is proposed for Site B to locate a required Supplemental Public Access Area and Upland Connection. The Upland Connection would be located on the eastern edge of Site B, extending northerly from the Shore Public Walkway to intersect with 54th

Avenue. The Supplemental Public Access Area would be required to abut the Shore Public Walkway, with larger, triangular-shaped areas aggregated along Second Street and the Upland Connection.

### **Special Off-street Parking, Loading, and Curb Cut Provisions**

The SHP District would modify applicable provisions of Article I Chapter 3, which regulates the provision of accessory and public parking facilities within the larger Long Island City neighborhood, including Site B.

The SHP District would allow off-street accessory parking to be provided on blocks within the East River Subdistrict without regard to zoning lot lines. Such parking is currently required to be provided on the same zoning lot as the development it serves. A maximum size of 780 spaces would be established for accessory off-street parking facilities for multiple-use developments in the East River Subdistrict, and the maximum size of accessory off-street parking facilities for multiple-use developments in the Newtown Creek Subdistrict would be limited to forty percent of the residential units. Other proposed parking provisions include:

- Parking would have to be provided in off-street, enclosed facilities so that no portion of the parking facility other than entrances and exits is visible from the street. In addition, parking garage exhaust vents would not be allowed to open onto the street.
- Forty percent of any parking garage roof with a surface area of at least 400 square feet would be required to be landscaped.
- Curb cuts would generally be limited to midblock locations on east-west, narrow streets and would be prohibited on wide streets except on Second Street in the Newtown Creek Subdistrict where one curb cut would be allowed.
- Indoor bicycle parking would be required. Residential uses would be required to provide bicycle parking equal to fifty percent of the number of units, up to a maximum of 200 spaces. For Use Group 6B uses with at least 10,000 square feet of floor area, the requirement would be one space for every 5,000 sq. ft. of floor area, up to a maximum of 200 spaces. For Use Group 6A or 6C retail uses, the requirement would also be one space for every 5,000 square feet of floor area but the maximum number of spaces would be limited to 100.

### **Modification of Height and Setback Provisions**

Modification of the SHP District height and setback provisions could be made pursuant to an authorization by the City Planning Commission. In order to grant such modifications, the Commission would have to find that the modifications would be consistent with the special district goals, result in a better distribution of bulk on the zoning lot, and enhance and be compatible with the surrounding streetscape.

### **ZONING MAP AMENDMENT (C 080362 ZMQ)**

The existing M3-1 and M1-4 districts on the Hunter's Point South site and Site B allow manufacturing, industrial, and commercial uses but they do not allow residential development. As-of-right community facility uses are allowed in M1-4 districts but they are limited to open uses listed within Use Group 4 B of the Zoning Resolution. Zoning Map amendments are proposed to allow for the largely residential redevelopment of Site B and the Hunter's Point South site:

- The Hunter's Point South site would be rezoned from M3-1 to R10 and a C2-5 commercial overlay would be established to a depth of 75 feet along Second Street and key locations along Center Boulevard and Borden Avenue.
- Site B would be rezoned from M1-4 to R7-3 and a C2-5 overlay would be established to a depth of 75 feet along Second Street.
- The Special Southern Hunters Point District would be mapped on both sites.

The proposed R7-3 and R10 Residence districts allow residential and community facility uses at 5.0 and 10.0 FAR (with a 2.0 FAR Inclusionary Housing bonus), respectively. The proposed C2-5 District has a maximum FAR of 2.0 and allows office and local retail uses such as grocery stores, banks, delicatessens, restaurants, and small repair shops.

### **AMENDMENT TO THE CITY MAP (C 080276 MMQ)**

The street and park network established on the Hunter's Point South site as part of the 1990 approvals for the Hunters Point Waterfront Project was designed in part to facilitate the development of large floor plate office buildings and a more suburban-style residential street system of cul de sacs and circles. A new system of streets and parks was developed to ensure a better integration of the

project with the inland Hunter's Point neighborhood and to reflect the largely residential development now proposed for the site. Additionally, streets established in the inland community as part of the original approvals for the Hunters Point Waterfront Project would be de-mapped because they are no longer required due to the reduced traffic volumes associated with the proposed largely residential project.

***Streets Proposed for Elimination***

Center Boulevard, Newtown Creek Road, Newtown Creek Terrace, and Hunters Point Place, located generally between the East River and Second Street. None of the streets proposed for elimination is built or in city ownership.

***Streets Proposed to be Established***

- Center Boulevard in a new location between 50th Avenue and 57th Avenue;
- Second Street between 56th Avenue and 57th Avenue;
- 51st Avenue between Second Street and proposed Center Boulevard;
- 54th Avenue between its current mapped terminus, which is at former Center Boulevard, and proposed Center Boulevard;
- 55th Avenue between Center Boulevard and Second Street;
- 56th Avenue between Center Boulevard and Second Street; and
- 57th Avenue between Center Boulevard and Second Street.

***Changes in Mapped Widths***

Second Street would be widened from 74 feet to 75 feet between 50th Avenue and 56th Avenue, except for a portion between Borden Avenue and 54th Avenue where an existing building precludes a street widening; Borden Avenue would be narrowed from 114 feet to 92 feet between Second Street and Center Boulevard; and 50th Avenue would be narrowed from 74 feet to 60 feet between Second Street and Center Boulevard. The portion of Second Street generally between 50th Avenue and 54th Avenue is in city ownership; Borden Avenue is not in city ownership.

***Changes to Mapped Parkland***

Parkland mapped on the Hunter's Point South site in 1990 would be eliminated and new parkland totaling 10.65 acres would be established within the site, mostly along the East River and Newtown Creek. None of the parkland mapped in 1990 is in city ownership. A .35 acre linear park would also be established along the south side of proposed 55th Avenue between proposed Center Boulevard and Second Street. Permanent sewer corridors would also be delineated.

### ***Off-site Changes***

Three off-site changes to the City Map are proposed to reflect a reduction in projected traffic volumes resulting from the elimination of approximately 2.0 million square feet of office space from the development program for the Hunter's Point South site:

- Demapping of a mapped but unbuilt portion of 48th Avenue between Vernon Boulevard and 21st Street. The street was intended to serve as a vehicular tunnel to bypass the intersection of Jackson Avenue and 11th Street. The portion of 48th Avenue between Vernon Boulevard and 11th Street would be narrowed from 159 ft to 60 ft to reflect existing conditions and another unbuilt portion of 48th Avenue between Jackson Avenue and 21st Street would be eliminated from the City map to reflect the property's railroad use.
- Elimination of an approximately one-foot deep strip of mapped but unbuilt parkland between Vernon Boulevard and 11th Street.
- Re-establishment of a Public Place in the center of Vernon Boulevard between 50th and 51st Avenues to reflect existing and expected future conditions.

### **ACQUISITION OF PROPERTY (C 080364 PQQ)**

Redevelopment of the Hunter's Point South site may require the acquisition of land by the city. Block 6, Lot 1 is currently owned by the QWDC. With QWDC's modification of its GPP, EDC may acquire this lot from QWDC in advance of the proposed acquisition action. In the event that EDC does not acquire the lot, the city would acquire the lot from QWDC. The remaining portion of the Hunter's Point South site (Block 1, lots 1 and 10; Block 5, Lot 1; and Block 6, lots 2, 14, and 38) is owned by PANYNJ. The Port Authority of New York and New Jersey also owns mapped but unbuilt portions of 54th Avenue and 55th Avenue between Second Street and the East River. The Economic Development Corporation plans to acquire these properties from PANYNJ and the city

would then acquire from EDC the portions of the land that would comprise future streets and parks. The city may acquire the remaining land comprising the development site; if not, the land would be disposed of by EDC for redevelopment. The city would also acquire portions of land under water that are necessary to effectuate the plan for Hunter's Point South. Some of this land is currently owned by the State of New York. The property to be acquired by the city would be disposed of to a developer selected by HPD as part of the related UDAAP application (C 080365 HAQ).

**DESIGNATION AS AN URBAN DEVELOPMENT ACTIONS AREA PROJECT/DISPOSITION OF CITY-OWNED PROPERTY (C 080365 HAQ)**

To facilitate the proposed development, HPD is seeking the designation of property located at Second Street (Block 1, Lots 1 and 10), 54-02 Second Street (Block 5, Lot 1), 51-24, 51-20, and 52-50 Second Street (Block 6, Lots 1, 2, and 14), and de-mapped portions of 54th and 55th Avenues, as an Urban Development Action Area; an Urban Development Action Area Project for such area; and disposition of such property to a developer selected by HPD.

**ENVIRONMENTAL REVIEW**

This application (N 080363 ZRQ), in conjunction with the related actions (C 080276 MMQ, C 080362 ZMQ, C 080364 PCQ, and C 080365 HAQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DME006Q. The lead is the Office of the Deputy Mayor for Economic Development.

It was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on October 12, 2007, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on November 15, 2007, and the Final Scope of Work for the DEIS was issued on March 28, 2008.



The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on April 2, 2008. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on August 13, 2008, in conjunction with the public hearing on this non-ULURP item (C 080363 ZSQ) and the related items (C 080276 MMQ, C 080362 ZMQ, C 080364 PCQ, and C 080365 HAQ).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on September 12, 2008. The Notice of Completion for the FEIS identified the following significant adverse impacts and proposed mitigation.

## **PROBABLE IMPACTS OF THE PROPOSED ACTIONS**

### **LAND USE, ZONING, AND PUBLIC POLICY**

The proposed actions are not expected to result in significant adverse impacts to the land use on the project sites or in the study area. The proposed actions would result in the redevelopment of Sites A and B according to new zoning district designations and a new Special Southern Hunter's Point District. The proposed special district would establish new allowable use and bulk regulations for Sites A and B. The redevelopment of Sites A and B according to these new zoning regulations would result in the transformation of an underutilized waterfront parcel and a site containing distribution uses to a higher density mixed-use neighborhood with residential, retail, community facility (including a school) and park and open space uses. The proposed development would be compatible and consistent with land uses surrounding the project sites, including the Hunter's Point mixed-use neighborhood to the east and the higher-density Queens West development to the north. The proposed actions would also be consistent with development trends in the study area, particularly residential redevelopment.

The proposed actions are not expected to result in adverse zoning impacts. The proposed actions would change the zoning of Site A and Site B to increase the maximum allowable FAR and to permit residential uses, thereby allowing the development of a dense residential neighborhood. These zoning changes would be compatible with the zoning of the mixed-use areas to the east and residential area to the north of Site A and would not be expected to have an adverse impact on the manufacturing areas adjacent to Site B.

## **SOCIOECONOMIC CONDITIONS**

### *DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

The proposed actions would not result in significant adverse impacts due to direct business and institutional displacement. The proposed actions would directly displace a recreational use (Tennisport) from Site A and would eliminate the potential use of Site B for manufacturing uses similar to those there today. Collectively, the businesses on the project sites employ approximately 228 workers. Based on guidelines in the *CEQR Technical Manual*, the potentially displaced businesses were determined not to be of substantial economic value to the City or region; they do not provide products or services unique to New York City or regional area, and the study areas' residents and businesses are not dependent on the displaced businesses for day-to-day needs. The businesses on Site B do not appear to have site-specific needs unique to their current location and real estate data indicate suitable space is available in other industrial areas in Queens or elsewhere in the City. Further, the businesses on the two sites do not individually or collectively define neighborhood character within the study areas. The businesses on the sites do not have a substantial number of jobs in the economic sectors with the highest employment in the primary and secondary study areas (i.e., those that contribute substantially in an economic sense to the character of the neighborhood).

### *INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

The proposed actions would not result in significant adverse impacts due to indirect business and institutional displacement. The direct displacement of the businesses on the project sites would not lead to indirect displacement because these businesses do not directly support other businesses in the area, nor do they bring large numbers of people to the area that form a customer base for local businesses. While the employees of directly displaced businesses and indirectly displaced residents may form a portion of the customer base of neighborhood service establishments (food and drink establishments, retail, etc.), they would be replaced by a substantial new residential population, as intended by the goals of the proposed actions.

For the portions of the study areas north of Borden Avenue, the combination of residential, retail, community facility, parking, and open space introduced by the proposed actions would not alter or accelerate trends to alter existing economic patterns, because these uses are already prominent and there is a well-established trend toward residential and commercial redevelopment that is expected to continue independent of the proposed actions. The area south of Borden Avenue and west of 11th Street, however, could experience increased rent pressures due to the introduction of residential uses south of Borden Avenue with the proposed actions. However, the potential for indirect displacement would likely be limited to locations on the north side of 54th Avenue north of Site B, which would be located closest to residential uses intended for Site B. All establishments in this area south of Borden Avenue and west of 11th Street are located within the Long Island City Industrial Ombudsman Area, which provides business support and services that enhance the

area's value as an industrial location and in doing so could temper market forces to convert to other uses. Overall, therefore, only limited indirect displacement of businesses is anticipated in the area south of Borden Avenue, and no indirect displacement of businesses would occur elsewhere in the study area.

#### *ADVERSE EFFECTS ON SPECIFIC INDUSTRIES*

The proposed actions would not result in significant adverse impacts on any specific industry within, or outside of, the study areas. The businesses on the project sites are not concentrated in any specific industry sector. None of the businesses subject to displacement are essential to the survival of an industry sector within, or outside of, the study areas.

#### *DIRECT RESIDENTIAL DISPLACEMENT*

Currently, the project sites do not contain any residential uses. Therefore, the proposed actions would not result in significant adverse impacts due to direct residential displacement.

#### *INDIRECT RESIDENTIAL DISPLACEMENT*

The proposed actions would not result in significant adverse impacts due to indirect residential displacement. The proposed actions would introduce 6,650 new residential units, or an estimated 12,968 new residents, to the study areas. Although this is a substantial addition to the study areas' population, the new population at Sites A and B would not be expected to introduce or accelerate a trend toward increased market rents in the study area. There is already a very strong trend in the primary study area for the development of new market-rate housing, which has substantially increased the population of the study area over the past 15 years and has been gradually shifting the socioeconomic characteristics of the study area. The proposed actions would offer housing opportunities for a wide range of incomes through the provision of both affordable and market-rate units and this mix of market-rate and affordable housing could serve to relieve rather than increase residential market pressure in the study area. Therefore, the proposed actions would not introduce or accelerate a trend toward increased market rents to cause indirect residential displacement.

### **COMMUNITY FACILITIES**

#### *PUBLIC SCHOOLS*

The project sites are located within Planning Zone 3 (Zone 3) of Community School District 30 (CSD 30). The analysis of public schools considers the proposed actions' impact on elementary and intermediate schools within a 1½-mile study area and within Zone 3 and CSD 30, as well as on high schools within Queens.

The assessment finds that the proposed actions would not have a significant adverse impact on intermediate schools within Zone 3 or CSD 30, or on high schools within the borough of Queens. The proposed actions would result in a significant adverse impact on elementary schools within the 1½-mile study area, Zone 3, and CSD 30, as well as on intermediate schools within the 1½-mile study area. (Elementary and

intermediate schools in these study areas will be operating over capacity in the future without the proposed actions because of new students from the many residential projects expected to be complete by 2017.) The quantitative analysis does not account for new elementary and intermediate school seats that will be constructed in the future without the proposed actions (including seats that may be constructed within the 1½-mile study area). It also does not account for the school seats that would be provided under the proposed actions (an approximately 1,250-seat intermediate/high-school would be provided). However, even with the additional school seats planned in the future without the proposed actions, the Hunter's Point South Rezoning and Related Actions would result in significant adverse impacts on elementary schools within the 1½-mile study area, Zone 3, and CSD 30, and on intermediate schools within the 1½-mile study area. The estimated shortages of seats would be substantial:

- Elementary Schools: A deficit of 1,265 seats (153 percent utilization) in the 1½-mile study area, of 807 seats (115 percent utilization) in Zone 3; and of 1,486 seats (108 percent utilization) in CSD 30.
- Intermediate Schools: A shortfall of 949 intermediate school seats in the 1½-mile study area (358 percent utilization).

The impact on intermediate schools would be partially or fully addressed by the inclusion of new intermediate school seats in the new school planned at Hunter's Point South as part of the proposed actions. The impact on elementary schools would not be mitigated.

#### *LIBRARIES*

The new residents added by the proposed actions would increase the population served by the Court Square Library by 13 percent and the planned Queens West Branch by almost 40 percent. However, this increase would not constitute a significant adverse impact because the Queens West Branch library is planned specifically to meet the growing need for library services in Hunter's Point.

#### *PUBLIC DAY CARE CENTERS*

With the proposed actions, the residents of the affordable units at Site B would generate a new demand for 59 day care slots. Day care facilities near the project sites will already be operating above capacity because of the many other development projects under construction or planned in the future independent of the proposed actions. If no new day care facilities are added in the study area to respond to this new demand, the 59 new children from the proposed actions would exacerbate the predicted shortage in day care slots and would constitute 26 percent of the collective capacity of day care centers serving the area. This increase would result in a potential significant adverse impact on day care capacity in the area. However, the quantitative analysis does not account for a 5,000-square-foot day care facility that may be built at Queens West in the future without the proposed actions. Although it will likely be privately-run, these slots could be used by the children of income-eligible households with Administration for Children's Services vouchers to finance care at private day

care centers. However, if additional day care facilities are not added to the study area, the proposed actions would result in a significant adverse impact on day care facilities.

#### *POLICE AND FIRE PROTECTION*

The proposed actions would not affect the physical operations of, or access to and from, a police precinct house, fire station, or emergency medical facility. No significant adverse impacts on police, fire, and emergency medical services would result with the proposed actions.

#### *HEALTH CARE FACILITIES*

According to the thresholds in the *CEQR Technical Manual*, the proposed actions would not have significant adverse impacts on hospitals or health care facilities. The proposed actions would result in an increment of approximately 253 emergency room visits per year within the 1½-mile study area. This constitutes an increase of only 0.7 percent over the current number of visits and those expected in the future without the proposed actions. This is below the *CEQR Technical Manual* threshold of a 5 percent increase in demand for health care services and, therefore, would not represent a significant adverse impact with respect to health care services.

#### **OPEN SPACE**

The proposed actions would not result in a significant adverse impact on open space resources. In total, the proposed actions would create 13.42 acres of new open spaces on Sites A and B, 8.03 acres of which would be for passive recreation and 5.39 acres of which would be for active recreation. These open spaces would include a large waterfront park along Site A's entire East River shoreline, waterfront walkways and park spaces along the two project sites' entire Newtown Creek shoreline, and other smaller park spaces on the project sites.

Compared with conditions in the future without the proposed actions, the proposed actions would increase the commercial (¼-mile) study area's passive open space ratios, which would exceed the City's recommended guidelines. The proposed actions would also improve open space ratios in the residential (½-mile) study area, where the total open space ratio would increase slightly (by 1.2 percent) and the active open space ratio would increase by 5.0 percent. The passive open space ratio would decrease slightly (by 1 percent) but remains well above the City's guideline values.

Although the total and active open space ratios would continue to be below the recommended levels, the City recognizes that these goals are not feasible for many areas of the City and they are not considered impact thresholds. Further, by adding a substantial new park space, the proposed actions would result in a significant improvement to the area's open space that is not clearly reflected in the quantitative analysis.

## **SHADOWS**

The incremental shadows that would be cast by the reasonable worst-case development scenario's (RWCDS's) buildings would not cause any significant adverse impacts to nearby sun-sensitive resources. Incremental shadows would fall on various parts of the East River for up to four hours during mornings throughout the year, but these shadows would not significantly affect aquatic resources. Incremental shadows would also fall on portions of Gantry Plaza State Park for more than five hours during the morning and early afternoon hours of the fall, winter, and early spring months and on Peninsula Park on winter afternoons. While the long duration of these shadows could reduce the attractiveness of the park's passive recreation facilities during these seasons, the overall usability of the park would not be significantly affected. In the late spring and summer months, the park would receive ample sunlight, and no significant adverse impact to the health and viability of the park's vegetation would result.

## **HISTORIC RESOURCES**

The proposed actions are not expected to result in any significant adverse impacts on archaeological or architectural resources in the study area. The project sites are not sensitive for archaeological resources, and the architectural resources (i.e., the LIRR car float gantries, Queens-Midtown Tunnel vent building, Pepsi-Cola sign, 108th Police Precinct, and St. Mary's Church) are located more than 90 feet from the project sites and, therefore, outside the area of potential physical impacts. In addition, the proposed actions would not result in adverse contextual impacts nor would any significant views of any architectural resource be blocked. Further, the proposed actions would not significantly alter the visual setting of any architectural resource, nor would they introduce incompatible elements to any architectural resource's setting in the study area.

## **URBAN DESIGN AND VISUAL RESOURCES**

The proposed actions would not have any significant adverse impacts on the study area's urban design and visual resources. The height of the proposed buildings would be similar to the Queens West development buildings that are built or under construction, but the height and setback provisions would reduce the allowed tower dimensions to less than those at Queens West. With a consistent streetwall with heights ranging from 40 to 70 feet, street trees and landscaping, and new park spaces, the urban design of the new development would be compatible with the urban design of the nearby residential community, which includes Queens West and portions of the Hunter's Point neighborhood to the east, featuring a varied mix of building types. The new streets at Site A and Site B would continue the existing street hierarchy from the study area onto the project sites, connecting the new neighborhood to the surrounding area. The streetscape improvements on 50th and 51st Avenues would also serve to integrate the new residential neighborhood with the existing Hunter's Point community.

In addition, the new development would not block any significant view corridors or

views of visual resources, limit access to any resource, change the study area's urban design features so that a visual resource is no longer dominant in the area, or change the study area's urban design features so that the context of a visual resource is adversely altered. The proposed actions would maintain existing view corridors to the water and greatly enhance visual access to the waterfront, making available to the public sweeping views of the water and Manhattan skyline as well as the Brooklyn waterfront.

## **NEIGHBORHOOD CHARACTER**

The proposed actions would dramatically transform Site A and Site B from low-density, industrial and commercial sites to a high-density development of residential buildings with retail and community facility uses. Together with the ongoing development at Queens West, the primary study area would have a band of high-rise residential development with a public waterfront park along the entire East River shoreline. Development of Site B would continue the high-density residential neighborhood eastward across 2nd Street, consistent with ongoing development trends in the primary study area (an example of which is the conversion of the Power House).

The new development on Site A would be connected to the Hunter's Point mixed-use neighborhood to the east by its new east-west streets; Site B would be connected by 2nd Street, a north-south street. From locations to the east, the development's towers would be visible in the distance. View corridors to the waterfront and Manhattan skyline beyond would remain between the new buildings, including the existing view corridors down 50th and 51st Avenues toward the Empire State Building.

The proposed actions would almost double the study area's population. However, the proposed actions' mix of affordable and market-rate housing could serve to relieve rather than increase residential market pressure in the study area. Additionally, given the very strong trend already in place in the neighborhood, the new population at Sites A and B would not be expected to introduce or accelerate a trend toward increased market rents in the study area that might cause significant indirect residential displacement. The redevelopment of Site B would introduce new residential uses to the Long Island City industrial area south of Borden Avenue. It is possible that the introduction of this residential use could lead to some limited indirect business displacement because of increased rent pressures. However, the potential for indirect displacement resulting from increased rent pressure is limited, and would not result in significant adverse indirect displacement impacts.

The proposed actions would substantially increase the amount of pedestrian activity and vehicular traffic on the study area's sidewalks and roadways. The increased activity and traffic would be clearly noticeable, but not necessarily adverse. In most locations, significant adverse traffic impacts could be mitigated.

Overall, the effects to neighborhood character would be noticeable but not adverse.

## **HAZARDOUS MATERIALS**

On Site A, Phase I and Phase II Environmental Site Assessments first identified the

potential for contamination and then confirmed and characterized the contamination through sampling. Contaminants have been found in Site A's subsurface (related primarily to former petroleum underground storage tanks and historic fill) and inside its buildings (primarily related to asbestos and lead-based paint). With the implementation of protective measures (e.g., soil cap, vapor barrier, sub-slab depressurization system), no significant adverse impacts related to hazardous materials are expected to occur with the proposed actions.

## **NATURAL RESOURCES AND WATER QUALITY**

The proposed actions would not cause any significant adverse impacts on terrestrial plant communities or wildlife, or on floodplains, wetlands, water quality, or aquatic biota in the East River and Newtown Creek. Potential benefits to natural resources that would result from the proposed actions include improved habitat for birds and other wildlife within the waterfront park and other open space areas. During final design of the project, stormwater management measures to reduce the amount and rate of stormwater generated within Site A (e.g., porous pavement, bioswales, etc.) will be considered.

## **WATERFRONT REVITALIZATION PROGRAM (WRP)**

The RWCDS would be consistent with the City's 10 WRP policies and standards. Specifically, the development of 6,650 new apartments, ground-floor retail and community facility space, a school, and more than 13 acres of publicly accessible open space would be consistent with WRP's policies of supporting and facilitating residential and commercial development where appropriate, maintaining commercial boating, protecting coastal ecological systems, protecting and improving water quality in the coastal area, avoiding adverse effects to the coastal area as a result of solid waste and hazardous substances, providing public access to and along the City's coastal waters, protecting scenic resources that contribute to the visual quality of New York City, and avoiding adverse effects to historic and cultural resources.

## **INFRASTRUCTURE**

The RWCDS would not cause any significant adverse impacts on water supply, sewage treatment, and stormwater discharge systems. To support the proposed new development on Site A, a new system of water mains, sanitary sewers, and separate storm water sewers would be installed in accordance with the NYCDEP Amended Drainage Plan. Creation of a new separate sanitary and storm sewer system would support the City's goals to reduce combined sewer overflow events. Use of separate storm sewers would allow rainfall on the project sites to be discharged to the East River and Newtown Creek, reducing the burden on the Bowery Bay Water Pollution Control Plant (WPCP), the wastewater treatment plant that serves the project sites. It is anticipated that stormwater attenuation and treatment mechanisms would also be included in the City's design of the streets and parks within Site A; and that the designs of these systems would be guided by the City's sustainability initiatives as described in PlaNYC, Best Management Practices, and CEQR standards to ensure



public and environmental health and safety.

With the proposed actions, water demand on Sites A and B would increase by 1,517,322 gallons per day (gpd). This additional demand would not result in a significant adverse impact on the City's water supply system. With the proposed improvements, the incremental demand for water supply from the RWCDs would not adversely affect the ability of the existing system to distribute water to, or maintain water pressure for, existing local users.

The RWCDs would also result in an increased wastewater flow of 1,508,509 gpd, which would be treated at the Bowery Bay WPCP. This increase would represent a small percentage of the total future flows to the plant and would not cause the plant to exceed its permitted capacity.

### **SOLID WASTE AND SANITATION**

The proposed actions would not cause any significant adverse impacts on solid waste and sanitation services. While implementation of the proposed actions would create new demands on these services, the municipal systems serving the project sites would have adequate capacity to meet the projected increases in solid waste generation. The New York City Department of Sanitation (DSNY), which collects solid waste and recyclables, is expected to provide municipal solid waste and sanitation services to the project sites for residential and institutional uses. Private carters provide these services for non-DSNY managed solid waste.

The proposed actions are expected to generate three additional truckloads per day for DSNY collection and one additional truckload per day for private carter collection. Although the proposed actions would increase the volume of solid waste and recyclables, the delivery of these services would not be affected and no significant burden would be placed on the City's solid waste management services (either public or private).

### **ENERGY**

To address the growth and extent of new development in Long Island City and reduce the potential for a power outage similar to one that occurred in July 2006, Con Edison has committed to invest \$58 million in planned improvements in the Long Island City network, including upgrades to equipment in the northern Queens substation, construction of a new substation in northwest Queens with operations starting 2015, additional phone lines to call centers, and tracking systems to alert Con Edison of power outages. With these planned improvements, the proposed actions would not have a significant adverse impact on energy systems and services. The proposed actions would increase demands on electricity and gas; however, relative to the capacity of these systems and the current levels of service in New York City, the increases in demand would be insignificant. Improvements would be made to the local electric and gas distribution grids to ensure proper service to the project sites. Therefore, the demands of the proposed actions would not result in a significant impact on the supplies of electricity and gas in the region or the City as a whole. In addition, with the future improvements to the distribution network, no

impact would occur locally on electrical or gas utilities.

## **TRAFFIC AND PARKING**

The RWCDs that would be built as a result of the proposed actions is expected to generate a significant volume of vehicular traffic. In the weekday AM peak hour, it would generate 456 vehicle trips arriving at the project sites and 922 vehicle trips leaving the sites, for a total of 1,378 vehicle trips. In the weekday midday peak hour, it would generate 359 inbound vehicle trips plus 360 outbound vehicle trips for a total of 719 vehicle trips. In the weekday PM peak hour, it would generate 824 inbound vehicle trips plus 445 outbound vehicle trips for a total of 1,269 vehicle trips.

Of the 42 study area intersections analyzed, the proposed actions would result in significant traffic impacts at 23 intersections in the AM peak hour, 19 in the midday peak hour, and 23 in the PM peak hour. Traffic capacity improvements that would be needed to mitigate these significant impacts are addressed below in “Mitigation.” Seven of the nine new intersections that would be created as part of the proposed actions would be signalized, and all nine new intersections are expected to operate at acceptable levels of service.

The proposed actions would create several new intersections within the Hunter’s Point South project boundaries. As these are part of the proposed actions, traffic signals have been proposed at several locations where NYCEDC has committed to conducting a traffic study to monitor traffic and pedestrian conditions when the proposed project is built and fully occupied. The study will recommend improvement measures, including signal warrant analyses, for the New York City Department of Transportation’s (NYCDOT) review and approval. NYCEDC has also agreed that during the project’s construction phase, NYCEDC would pay for the cost and installation of conduits and foundations for any future installation at these newly created intersections for signalization. In addition, NYCEDC has agreed to pay for the cost and installation of all new signals (12), including three intersections located outside the project site boundaries that are warranted and necessary as mitigation. The proposed actions would include a site plan and roadway network that would provide for a one-way roadway loop around the project sites and that would promote non-motorized modes of transportation, specifically, a Class I bikeway along 2nd Street and Center Boulevard, wide sidewalks, and crosswalks to and from the proposed waterfront park. It is assumed that several of the newly created intersections would require traffic signals to provide for the safe and efficient movement of vehicular and pedestrian traffic.

The proposed actions would also include the construction of parking garages with a total of 2,000 parking spaces in buildings on Site A and 660 parking spaces in buildings on Site B. This number of parking spaces would be sufficient to accommodate daytime needs in the area (i.e., from about 8 AM to 7 PM). However, there would be a shortfall of approximately 500 spaces during the nighttime/overnight hours that would only be partially compensated by the approximately 115 on-street parking spaces created as part of the proposed actions.

As a result, project residents returning home after about 7 PM would need to find additional on-street parking spaces elsewhere in the surrounding neighborhood to the north and east of the project sites. A nighttime survey was conducted for a ½-mile radius to determine the extent to which additional on- and off-street spaces may be available, and to determine whether a shortfall would still occur. The survey showed that, at 7 PM, there would potentially be 1,100 off-street and 500 on-street parking spaces available. However, with the buildout of Queens West, which is expected to add more than 2,000 additional apartments to the study area, some or all of these available spaces could be occupied by residents who are unable to find spaces within that project's accessory parking lots. Hence, future off-street and on-street parking occupancies could be higher, and there might be fewer or no spaces available. In this case, the Hunter's Point South project could continue to have an overall parking shortfall during nighttime to early morning hours.

### **TRANSIT AND PEDESTRIANS**

With the proposed actions, significant adverse transit impacts would result at the S7 and S8 street-level stairways at the Vernon Boulevard-Jackson Avenue No. 7 subway station (the stairways at the southwest and northeast corners of Vernon Boulevard and 50th Avenue, respectively). The proposed actions would also result in significant adverse impacts on the Q103 and B61 bus routes. In addition, the proposed actions would result in significant adverse pedestrian impacts on the west sidewalk along Vernon Boulevard between 50th and 51st Avenues, the northwest corner of Vernon Boulevard and 50th Avenue, the north and west crosswalks at Vernon Boulevard and 50th Avenue, and the east and west crosswalks at the newly signalized intersection of 2nd Street and Borden Avenue. Potential measures to mitigate these projected significant adverse impacts are described below in "Mitigation."

### **AIR QUALITY**

The proposed actions would not cause any significant adverse impacts from mobile source emissions. Maximum predicted pollutant concentrations and concentration increments from mobile sources would comply with corresponding guidance thresholds and ambient air quality standards. The proposed actions' parking facilities would also not result in any significant adverse air quality impacts.

In addition, there would be no potential significant adverse air quality impacts from emissions of fossil fuel-fired heat and hot water systems in proposed buildings. For developments on certain parcels, restrictions would be placed on fuel type and stack placement on the rooftops to ensure that no significant adverse air quality impacts on nearby taller buildings would occur; for Site A, other than the portion of Parcel B that would be developed as a school, these restrictions would be set forth in anLDA; for the school on Parcel B, the New York City School Construction Authority would undertake appropriate measures to avoid impacts related to air quality. For Site B, an (E) Designation would be placed on the site. The concentrations of industrial source pollutants at the proposed uses would be lower than the corresponding guidance thresholds. Therefore, no significant adverse air quality impacts from existing nearby

industrial sources on the proposed uses are predicted. Based on the analysis of the school laboratories' exhaust system, in the event of a chemical spill in a school laboratory there would be no predicted significant impacts in the proposed school, on other proposed uses, or on the surrounding community in the event of a chemical spill.

## **NOISE**

Noise levels from project-generated traffic would result in a significant adverse noise impact during the weekday PM time period on the two blocks of 51st Avenue between Vernon Boulevard and 2nd Street. At this location, the increase in noise levels from project-generated traffic would be barely perceptible, but would exceed the *CEQR Technical Manual* impact criteria and therefore result in a significant adverse noise impact during the weekday PM time period. However, the noise levels on 51st Avenue would still fall within CEQR's "marginally acceptable" range, which is not unusual for New York City residential areas.

The *CEQR Technical Manual* has set noise attenuation values for new buildings based on exterior noise levels. To achieve these interior noise levels, window-wall attenuation would be required to ensure that no significant adverse noise impacts occur. These requirements would be set forth in an LDA for the Site A parcels other than the portion of Parcel B that would be developed as a school; for the school, the New York City School Construction Authority would undertake appropriate measures to avoid impacts related to noise.

On Site B, an (E) Designation would be placed to ensure that CEQR requirements for building attenuation are met.

In addition, noise levels within the proposed actions' new open space areas would be above the 55 dBA L<sub>10(1)</sub> noise level, recommended in the *CEQR Technical Manual* noise exposure guidelines, for outdoor areas requiring serenity and quiet. While noise levels in these new areas would be above the 55 dBA L<sub>10(1)</sub> guideline noise level, they would be comparable to noise levels in a number of open spaces and parks in New York City, including Hudson River Park, Riverside Park, Bryant Park, Fort Greene Park, and other urban open space areas. Consequently, no significant noise impact on the new open spaces would result.

## **CONSTRUCTION IMPACTS**

Construction activities on Site A are expected to begin in mid-2009, with complete build-out of the development parcels and associated parkland assumed to be completed by late 2017. Buildings would generally be constructed on Site A from north to south. Site B construction would fall within this timeframe, with construction expected to begin in the spring of 2010 and continuing through early summer 2015.

No significant adverse impacts are expected as a result of the project's construction, with the exception of construction-related traffic. During peak construction (year 2012), vehicle trips associated with workers and deliveries would increase traffic on nearby roadways, but the total number of vehicle trips generated would be

approximately 45 to 50 percent lower than the total number of vehicle trips generated by the completed proposed actions during the AM and PM peak hours, respectively. However, significant adverse traffic impacts could still occur at some of the study area locations during construction, possibly at lower magnitudes than impacts identified under the Build conditions. Of the 11 intersections analyzed, significant impacts could be mitigated at four intersections during both peak hours. Impacts could not be mitigated at four intersections during the AM peak hour, and at two intersections during the PM peak hour. The intersections of Jackson Avenue and 21st Street, Northern Boulevard/Queens Plaza East and Bridge Plaza, and Van Dam Street and the LIE Exit Ramp would have unmitigatable impacts during the AM peak hour, while the intersection of Van Dam Street and Borden Avenue would have unmitigatable impacts during the PM peak hour. The intersection of Van Dam Street and Thomson Avenue/Queens Boulevard could not be mitigated during both peak analysis hours.

Construction activities associated with the proposed actions would not result in significant adverse air quality impacts from construction-related vehicles on the area's roadways or from stationary and non-road sources. Based on the construction traffic volumes during the peak construction period and the expected use of diesel particulate filters (DPF) in concrete trucks, which would constitute a large portion of the construction trucks, significant adverse impacts on air quality from on-road construction sources would not be expected. The potential for construction-related air quality impacts from non-road equipment and activities would be limited by the fact that the project sites are large, and with the exception of the northern portion (Parcels A and B of Site A), are well removed from any existing sensitive receptor. Standard fugitive dust control measures would be employed to minimize the dust associated with construction activities. Moreover, with construction proceeding incrementally, by the time buildings on a parcel are ready for occupancy, the construction of the neighboring parcels would typically be past the construction phases that are of most concern for air quality.

While construction activities would be noisy and intrusive to the nearest sensitive receptors surrounding the project sites (Gantry Plaza State Park, the Avalon Riverview, and the Power House) and to the residential and school buildings to be constructed, the noisiest activities (foundations) would take place for limited periods of time (less than 18 consecutive months), and the level of construction activity would vary and move throughout the site, and no immediate area would experience the effects of the project's construction for the full construction duration. Therefore, no significant adverse noise impacts are expected to occur. While it is possible that construction activities may result in noise impacts on the open spaces to be constructed as part of the proposed actions, they would not be considered significant adverse impacts.

## **PUBLIC HEALTH**

The proposed actions would not cause any significant public health impacts. No significant air quality impacts from increased vehicular traffic or emissions from

stationary sources would result from the proposed actions. In addition, as discussed in “Hazardous Materials” above, applicable regulations would be closely followed and appropriate measures would be implemented to address the management of soil and groundwater at the project sites and to ensure that any subsurface disturbance or demotion of on-site structures does not cause unnecessary or unacceptable hazards to construction workers and the surrounding community from hazardous materials. Finally, the proposed actions would not create a new source of significant noise or odors.

## **MITIGATION**

Potential significant adverse impacts from the proposed action—on community facilities (public schools and public day care centers), traffic, transit and pedestrians, and noise—have been identified. Measures to minimize or eliminate these impacts are summarized below. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures are also summarized below in “Unavoidable Adverse Impacts.”

### **COMMUNITY FACILITIES**

#### *PUBLIC SCHOOLS*

The analysis of schools concludes that the proposed actions would result in significant adverse impacts on elementary school enrollment within the 1½-mile study area, within Zone 3 of CSD 30, and within CSD 30 overall; and significant adverse impacts on intermediate schools within the 1½-mile study area (see “Community Facilities,” above).

Potential mitigation measures for the impacts of the proposed actions on elementary school enrollment, and for the potential impact on intermediate school enrollment, could include administrative actions undertaken by the New York City Department of Education (DOE), such as shifting the boundaries of school catchment areas within the CSD to move students to schools with available capacity, or creating new satellite facilities in less crowded schools. As an alternative, the school to be constructed as part of the proposed actions could be programmed with elementary school seats if this better meets the needs of Zone 3 in CSD 30 as identified by DOE. If none of these potential mitigation measures are undertaken, the proposed actions would result in an unmitigated significant adverse impact on elementary school enrollment and potentially on intermediate school enrollment.

#### *PUBLIC DAY CARE CENTERS*

As discussed above in “Community Facilities,” the proposed actions would result in a potential significant adverse impact on day care capacity in the area if no new day care facilities are added in the study area. Possible mitigation measures for this significant adverse impact include adding capacity to existing facilities, if feasible through consultation with the Administration for Children’s Services (ACS), or providing a new day care facility within or near the project sites.

At this point, however, it is not possible to know exactly which type of mitigation would be most appropriate or when its implementation would be necessary because the demand for publicly funded day care depends not only on the amount of residential development in the area but on the proportion of new residents who are children of low-income families. If additional day care facilities are not added to the study area, then the proposed actions would result in a significant adverse impact on day care facilities. The proposed actions would provide 45,000 gsf of space for community facility use. A portion of this space might be leased as a public or private day care center. A typical ACS day care center requires 10,000 gross square feet of space, which typically can accommodate approximately 125 children.<sup>1</sup> If the center is privately run, these slots could be used by the children of income-eligible households with ACS vouchers.

**TRAFFIC AND PARKING**

As discussed above in “Traffic and Parking,” the proposed actions would cause significant adverse traffic impacts at a number of locations in the traffic study area. Table 1 summarizes the significant adverse traffic impacts and whether they could be fully or partially mitigated, or remain unmitigated, with the implementation of traffic improvement measures. The vast majority of the 51 locations analyzed for the weekday AM, midday, and PM peak hours would either not be significantly impacted or could be mitigated with traffic improvement measures, including: signal phasing and/or timing changes; parking regulation changes to gain a travel lane at key intersections; intersection or street channelization improvements; lane markings and signage, prohibition of turn movements, and installation of traffic signals at currently unsignalized intersections; and, creation of one-way traffic flow on 51st Avenue between 2nd and 5th Streets. These measures represent the standard range of traffic capacity improvements to improve operating conditions and mitigate impacts and are implemented by the NYCDOT.

**Table 1**  
**Traffic Impact Mitigation Summary**

<b>Intersections</b>	<b>AM Peak Hour</b>	<b>Midday Peak Hour</b>	<b>PM Peak Hour</b>
No significant impact	28	32	28
Fully mitigated impact	15	14	13
Partially mitigated impact	3	1	4
Unmitigated impact	5	4	6

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<sup>1</sup> A minimum of 30 square feet per child of usable interior classroom space is required for an early childhood education center to be administered by ACS (usable activity space does not include bathrooms, halls, offices, food preparation, storage areas, and space occupied by fixed furniture and fixtures).

In the AM peak hour, impacts at three intersections would be partially mitigated and five would remain unmitigated; in the midday peak hour, impacts at one intersection would be partially mitigated and four would remain unmitigated; in the PM peak hour, impacts at four intersections would be partially mitigated and six would remain unmitigated. These intersections include Van Dam Street/Thomson Avenue, Van Dam Street at the exit from the westbound Long Island Expressway, Borden Avenue at 11th Street and the ramps to/from the Queens-Midtown Tunnel toll plaza, Jackson Avenue/11th Street at the Pulaski Bridge, Jackson Avenue/21st Street, Jackson Avenue at 44th Drive, Vernon Boulevard at Borden Avenue, Center Boulevard at 48th and 49th Avenues, 5th Street and 49th Avenue, Jackson Avenue/Queens Plaza East and Queens Boulevard and Northern Boulevard/Queens Plaza East and Bridge Plaza. Not all of these intersections would be unmitigated or partially mitigated during all peak periods.

With the implementation of the prescribed traffic mitigation measures, several new parking prohibitions would result in the removal of approximately 85 to 90 on-street parking or “standing” spaces. If it is determined that on-street parking should be retained at locations where such mitigation was proposed, additional unmitigated impacts could result.

In order to verify the need for, and effectiveness of, the proposed mitigation measures identified in the FEIS, the lead agency will develop and conduct a detailed traffic monitoring plan at full buildout of Site A in 2017. The lead agency will inform NYCDOT of the progress of the plan’s development and submit for NYCDOT’s review and approval a scope of work that will include all locations where significant traffic impacts have been identified in the FEIS and any locations analyzed in the FEIS where NYCDOT believes improvement measures may be warranted. Data collection conducted for the monitoring plan will include 24-hour Automatic Traffic Recorder (ATR) machine counts, manual turning movement counts, vehicle classification counts, pedestrian counts, intersection geometry and field information, signal timing and signal progression, and any relevant information necessary for conducting the traffic monitoring plan.

The lead agency will submit to NYCDOT design drawings for any mitigation measures as per American Association of State Highway and Transportation Officials (AASHTO) and NYCDOT specifications. NYCDOT will participate in the review process relating to all future modifications to geometric alignment, striping, and signage during the preliminary and final design phases. In addition, the lead agency or the future developer will be responsible for any cost associated with the monitoring effort. The City or future developer will be responsible for the cost of the design and construction of any or all improvement measures identified in the FEIS or through the traffic monitoring plan as warranted due to project-generated traffic.

#### **TRANSIT AND PEDESTRIANS**

The proposed actions would result in significant adverse impacts to two stairways (S7 and S8) at the Vernon Boulevard-Jackson Avenue subway station on the No. 7 line, bus line-haul on the B61 and Q103 routes, and street level pedestrian facilities (one



sidewalk, one corner, and four crosswalks) at the Vernon Boulevard and 50th Avenue and the 2nd Street and Borden Avenue intersections, primarily because of high volumes of pedestrians headed to and from the subway station. Mitigation for the impact on the subway stairs could include stairway widening. The implementation of these mitigation measures would be coordinated with the Metropolitan Transportation Agency (MTA)/New York City Transit (NYCT) to allow enough time for design and specification approvals by MTA/NYCT and for the stairway's construction. Crosswalk widening and restriping would be necessary to mitigate the pedestrian impacts.

Two options were evaluated to mitigate the significant adverse impacts on buses and pedestrian conditions, including the "Capacity Improvement Option," which would increase the number of buses on impacted bus routes and augment the physical capacity at impacted street-level pedestrian facilities; and the "Enhanced Bus Service Option," which would extend the Q103 service to Site A. With more convenient bus service for residents at Sites A and B, this second option would introduce more riders to the Q103; at the same time, it would reduce or eliminate pedestrian impacts because pedestrians would instead ride the bus. The two options are as follows:

- **Capacity Improvement Option.** To mitigate the proposed actions' impacts on the northbound and southbound B61 during the AM and PM peak periods, respectively, two additional (or 11 total) northbound buses would be required during the AM peak period. During the PM peak period, two additional (or eight total) southbound buses would be required. To mitigate the proposed actions' impacts on the northbound and southbound Q103 during both peak periods, two additional (or four total) northbound buses and two additional (or four total) southbound buses would be required during the AM peak period. During the PM peak period, two additional (or four total) northbound buses and three additional (or five total) southbound buses would be required. With implementation of this option, pedestrian impacts at the north and west crosswalk at Vernon Boulevard and 50th Avenue, and the west crosswalk at 2nd Street and Borden Avenue would remain unmitigated.
- **Enhanced Bus Service Option.** Recognizing that the new development anticipated as a result of the proposed actions would be better served with more nearby bus service, discussions were initiated with the MTA and MTA Bus to explore opportunities to extend the Q103 route from Vernon Boulevard to the project sites.

One possible route would be to extend the Q103 route east-west along Borden Avenue, looping it through the project sites southbound along 2nd Street to 54th Avenue, westbound towards the newly extended Center Boulevard, then northbound back towards Borden Avenue. To accommodate this potential service improvement, new bus stops and layover areas would be needed in and around the project sites. This bus routing option, developed in concert with the City, MTA, and QWDC was analyzed and determined as feasible for implementation when future ridership demand warrants it.

The reduced pedestrian levels associated with this option would eliminate the significant adverse impacts associated with Vernon Boulevard west sidewalk between 50th and 51st Avenues; Vernon Boulevard and 50th Avenue northwest corner; and 2nd Street and Borden Avenue east crosswalk. With implementation of

this option, the significant adverse impacts at the north and west crosswalks at Vernon Boulevard and 50th Avenue, and the west crosswalk at 2nd Street and Borden Avenue would remain unmitigated.

### **AIR QUALITY**

Implementation of the traffic mitigation measures would not result in any significant adverse impacts on air quality.

### **NOISE**

Implementation of the traffic mitigation measures would not significantly affect noise levels.

As discussed above in “Noise,” vehicular traffic generated by the proposed actions would cause a significant adverse impact on 51st Avenue between Vernon Boulevard and 2nd Street during the weekday PM time period that would affect residences and pedestrians on those two blocks. At residences where project impacts are predicted to occur, to mitigate project impacts, the City of New York would make storm windows and/or window air conditioners available, at no cost to owners of existing residences on 51st Avenue between Vernon Boulevard and 2nd Street, where such measures are not already installed. With these measures, interior noise levels would meet CEQR interior requirements and project impacts would be mitigated at residences.

There are no feasible or practicable mitigation measures that could be implemented to eliminate the noise impact predicted at this location for pedestrians. However, predicted noise levels on 51st Avenue between 2nd Street and Vernon Boulevard for Build conditions would still fall within CEQR’s “marginally acceptable” range.

### **CONSTRUCTION IMPACTS**

Where traffic-related impacts during construction may occur, measures recommended to mitigate impacts of the proposed actions could be implemented early to aid in alleviating congested traffic conditions. However, where unmitigatable operational impacts are identified, there is also the potential for such impacts to occur during construction.

### **UNAVOIDABLE ADVERSE IMPACTS**

#### **COMMUNITY FACILITIES**

Without the implementation of any needed mitigation measures described above in “Mitigation,” the proposed actions could have an unmitigated significant adverse impact on elementary and potentially on intermediate school enrollment.

If additional day care facilities are not added to the study area in the future without the proposed actions and without additional mitigation as a result of the proposed actions, the proposed actions would result in a significant adverse impact on day care facilities.

## **TRAFFIC AND PARKING**

Nearly all of the locations that would be significantly impacted could be mitigated using traffic improvements such as new traffic signals, modifying existing signal timing/phasing plans, parking regulation changes, lane reconfigurations, and prohibition of turn movements.

Under the proposed actions, a maximum of 12 intersections would experience unmitigatable impacts in the 2017 Build year (but not in all peak hours); of these, four intersections could be partially mitigated. The eight intersections that would remain unmitigated are the intersections of Van Dam Street with Thomson Avenue/Queens Boulevard, and with the Long Island Expressway (LIE) exit ramp, Jackson Avenue and 44th Drive Jackson Avenue/Queens Plaza East and Queens Boulevard, Northern Boulevard/Queens Plaza East and Bridge Plaza, Center Boulevard with 48th and 49th Avenues, and 5th Street with 49th Avenue. The four intersections where significant traffic impacts could be partially mitigated include Vernon Boulevard and Borden Avenue, Jackson Avenue and 11th Street, Jackson Avenue and 21st Street, and 11th Street and Borden Avenue at the Queens-Midtown Tunnel Toll Plaza Exit Ramp. At these intersections, traffic improvements would be able to mitigate one or more—but not all—approaches that would be significantly impacted.

## **TRANSIT AND PEDESTRIANS**

Significant adverse impacts associated with the proposed actions were identified for subway stairways, bus line-haul, and pedestrian elements. Potential mitigation measures identified include widening of existing stairways and/or construction of a new stairway, increase and/or extension of existing bus service, removal of sidewalk obstructions, installation of a corner bulb-out, and widening of existing crosswalks. However, there could be up to six unmitigatable transit and pedestrian impacts. Transit-related mitigation measures are subject to further discussions with MTA and NYCT, and if the potential stairway widenings and/or the construction of a new stairway are deemed not practicable, the significant adverse impacts identified for the S7 and S8 street-level stairways at the Vernon Boulevard-Jackson Avenue subway station would remain unmitigated. For several of the pedestrian crosswalk impacts, because the necessary widenings exceed the maximum typically permitted by NYCDOT, impacts could not be fully mitigated. As a result, significant adverse impacts identified at four study area crosswalks, including the north and west crosswalks at the Vernon Boulevard and 50th Avenue intersection, and the east and west crosswalks at the 2nd Street and Borden Avenue intersections would remain unmitigated.

## **NOISE**

There are no feasible or practicable mitigation measures that could be implemented to eliminate the noise impact predicted at 51st Avenue between Vernon Boulevard and 2nd Street for pedestrians. Consequently, the predicted impacts at this location would be considered unmitigated significant impacts.

## **PUBLIC REVIEW**

On April 21, 2008, this text change application (N 080363 ZRQ) was duly referred to Community Board 2 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters. The related applications (C 080276 MMQ, C 080362 ZMQ, C 080364 PQQ, and C 080365 HAQ) were certified as complete by the Department of City Planning on April 21, 2008 and were duly referred to Community Board 2 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 2 held three public hearings on this application (N 080363 ZRQ) on April 24, 2008, May 28, 2008, and June 23, 2008. On June 23, 2008, by a vote of 20 in favor, 0 opposed, and 0 abstentions recommended approval of the application with conditions as summarized below:

**Affordable Housing.** Hunter's Point South: Provide affordable housing to families with incomes ranging from below 30 percent of AMI to 145 percent of AMI; provide housing for senior citizens and the disabled with a 50 percent preference for residents of community districts 1 and 2; provide home ownership opportunities. Site B: Provide affordable housing on site or within CB 2.

**Transportation.** Improve off-site traffic circulation and mass transit, including water-borne transit.

**Design.** Establish a 390' height limit and improve 50th and 51st avenues

**Uses.** Ensure that the school proposed for Hunter's Point South meets the needs of the neighborhood, include day care, medical offices, and a YMCA in the project, and provide funding to build Queens West library.

**Public Parks and Open Spaces.** Ensure good security and the smooth administration and operation of Queens West and Hunter's Point South parks. Provide access for kayaks and other water-related uses, include community in design process, balance passive and active uses, and integrate neighborhood's history and public art in the design. Commence park construction if project not underway within three years of approval

**Environmental.** Maximize sustainable design features, close existing CSO, and upgrade sewers in Hunter's Point inland community. Provide air conditioners as outlined in FEIS.

**Jobs.** Encourage development of local, independent shops instead of national chain stores and establish affordable rents. Partner with unions for jobs and training and pay prevailing wages.

**Other.** Provide Community Board 2 full voting rights on LDC board if board is established. Work to relocate 108th Precinct. Establish rules for construction that minimize community impacts. Conduct community health care needs analysis.

### **Borough President Recommendation**

The Borough President held a public hearing on this application (N 080363 ZRQ) on July 24, 2008 and issued a report on July 30, 2008 recommending approval of the application with the following conditions:

- The Office of the Queens Borough President should be a member with full voting rights on the proposed Local Development Corporation that will be responsible for construction and implementation of the Hunters Point South Project.;
- The Office of Small Business Services should develop a program to match Queens-based businesses to the procurement needs of the not-for-profit Local Development Corporation and its consultants.;
- For the duration of the development process beginning with the selection of a developer there must be an ongoing outreach effort that will inform and promote opportunities available to the community and MWBE firms for the provision of goods and services for the project.;
- Every effort should be made to provide home ownership opportunities and to broaden affordability. All inclusionary affordable units should be built onsite.
- Mass transit improvements should include shuttles to the subways, new bus service to Hunters Point South, express bus service and expanded ferry service.
- Engine Company 261 should be reopened in recognition that Hunters Point south and Queens West will bring tens of thousands of new people in high rise buildings into the area. We must be certain that fire safety and protection is adequate to service the increased population.

### **City Planning Commission Public Hearing**

On July 23, 2008 (Calendar No. 7), the City Planning Commission scheduled August 13, 2008, for a public hearing on this application (N 080363 ZRQ). The hearing was duly held on August 13, 2008 (Calendar No. 7), in conjunction with the hearing for the related actions (C 080276 MMQ, C 080362 ZMQ, C 080364 PQQ, and C 080365 HAQ). There were nine speakers in favor of the applications

and 10 speakers in opposition.

The speakers in favor of the applications included the project applicants and their consultants, the Borough President of Queens, and the chair of Community Board 2. The applicant's representatives and the Queens Borough President testified about the importance of middle income housing to the city's economy in light of recent declines in the middle income housing stock and the dearth of housing programs for the middle class and also explained that the mapped parkland proposed for the Hunter's Point South site would be under the department's jurisdiction, programmed with a mix of active and passive uses, and would connect the larger Hunter's Point neighborhood to the waterfront. The Community Board 2 Chair noted that a good inter-agency working relationship had produced a good plan, and also reviewed many of the recommendations in the board's resolution, including its recommendation for broader income bands for the affordable housing on the Hunter's Point South site.

Speakers testifying against the applications included representatives from the Pratt Center for Community Development, Queens Community House, Catholic Charities of Brooklyn and Queens, the New York Immigration Coalition, and Congregations United in Queens. While all of the speakers testifying in opposition support the idea of redeveloping the two sites, they testified that the income eligibility for the 3,000 affordable units on the Hunter's Point South site should be lowered to include low- and moderate-income individuals and families.

There were no other speakers, and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application (N 080363 ZRQ), in conjunction with those for the related actions (C 080276 MMQ, C 080362 ZMQ, C 080364 PQQ, and C 080365 HAQ), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive

Law, Section 910 et seq.). The designated WRP number is 08-037.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that this text amendment to the Zoning Resolution (N 080363 ZRQ), as modified herein, in conjunction with the related applications for changes to the City Map (C 080276 MMQ), amendments to the Zoning Map (C 080362 ZMQ), acquisition of property (C 080364 PQQ), and UDAAP/disposition of property (C 080365 HAQ), is appropriate.

The applications for zoning map and text amendments, amendments to the City Map, and applications for acquisition and disposition of city-owned property would facilitate the redevelopment of the Hunter's Point South site and a privately-owned site across Second Street to the east (Site B), contributing significantly to the city's goal of creating 165,000 units of affordable housing by 2013. Up to 3,000 units of middle-income housing would be provided on the Hunter's Point South site itself, and up to 330 units of low- and moderate-income housing could be provided through the redevelopment of Site B if the developer of the site uses the Inclusionary Zoning bonus in the SHP District. The Commission believes that the largely residential development program for the Hunter's Point South site better reflects the site's location and the city's overall planning and development strategy for the Hunter's Point neighborhood than the office and residential program approved for the site in 1990.

The Hunter's Point South site and Site B are significant sites along the East River and Newtown Creek shorelines. The Hunter's Point South site runs approximately one-half mile along the East River shoreline, directly across from Midtown Manhattan, while Site B, situated slightly east of the intersection of the East River and Newtown Creek, is directly across from Greenpoint, Brooklyn. While the Commission believes the R7-3, R10, and C2-5 districts are the most appropriate zoning districts for the two sites, the Commission further believes that the prominence of these sites, combined with their special role in providing significant amounts of affordable housing, require the

special zoning provisions of the proposed SHP District. The Commission believes that the SHP District provisions, which regulate the height, size and location of tower elements and building base heights, specify locations for mandatory ground floor non-residential uses, create special floor area ratios for the East River Subdistrict and floor area bonus provisions for the Newtown Creek Subdistrict, with the modifications described herein, will ensure the city's goals of creating active, pedestrian-scaled and landscaped streets, buildings with pedestrian-scaled bases, varying tower shapes and sizes with articulated tops, and sustainable elements such as landscaped roofs.

At the time the application for zoning text amendments was referred, the Commission expressed concern that the provisions for tower top articulation in Section 125-34(a) of the proposed text were insufficient. This section allowed, but did not mandate, articulation on all four sides of a tower. The Commission, therefore, is modifying Section 125-34(a) to mandate building setbacks on all sides of the top forty feet of the portion of a building exceeding 165 feet in height to ensure a more desirable skyline of tapered towers. Additionally the tower tops would no longer be allowed to exceed the height limits established in Section 125-34(a).

The Commission was also concerned about certain height and setback provisions related to building base heights. Section 125-33(b) of the proposed SHP District established a 40 foot minimum base height and a maximum 70 foot base height in both the East River and Newtown Creek subdistricts. While the Commission notes that a 40 foot base height is needed for portions of buildings on blocks E and F in the East River Subdistrict and along a portion of 54th Avenue in the Newtown Creek Subdistrict due to the irregular configuration of the blocks or unique topographical conditions, the Commission believes a minimum base height of 50 feet is more appropriate for creating a strong, pedestrian-scaled building base, and is modifying Section 125-33(b) accordingly. The Commission is also modifying Section 125-33(b) to allow building recesses at a height of not less than 30 feet or the height of the second story, whichever is greater, instead of the originally proposed 12 feet, to further reinforce the building's street wall. The Commission also believes that the ground floors, particularly those occupied by commercial uses, should be as transparent as possible, and is modifying Section 125-12 to increase the transparency requirement for ground floor commercial uses from 50 percent to 70 percent. To address business' operational concerns, 20 percent of the required transparency could be of translucent materials. This change is consistent with transparency



requirements established recently in Downtown Brooklyn and Hudson Yards. Lastly, the Commission believes that the sidewalk should feel as open as possible to pedestrians and is therefore modifying Section 125-32 of the proposed text to not allow balconies in portions of buildings below a height of 70 feet.

The Commission also expressed concern about the lack of a requirement for planting and other pedestrian amenities for the small public open areas required on blocks B, D, E, and F. The Commission is therefore modifying the proposed text to establish new design provisions in Section 125-43 for these required open areas, including requirements for tree planting, planting beds, seating, lighting, and other pedestrian amenities, to ensure that these spaces function as the public, pedestrian oases originally envisioned for these locations. The Commission is also modifying Section 125-52(b) of the proposed text to increase the minimum landscaping requirement for parking garage rooftops from 40 percent to 50 percent. The Commission believes this change will help reduce storm water runoff and improve the rooftop aesthetics without compromising the need to locate required mechanical equipment.

The Commission believes the C2-5 District and SHP District provisions establish a good ground floor use strategy for both sites. The C2-5 overlay, established at a depth of 75 feet on Second Street, Borden Avenue, and Center Boulevard along blocks A, D, E, and F, provides sufficient capacity for local retail and other commercial uses. To ensure lively ground floors and integration with the inland Hunter's Point neighborhood, the SHP District would require non-residential uses along Second Street. While the Commission notes the new supermarket that recently at Queens West, north of the Hunter's Point South site, and the new supermarket projected to open along 51st Avenue, east of the Hunter's Point South site, the Commission urges the sponsoring agencies of the Hunter's Point South project to encourage a grocery store to locate on one of the southerly blocks along Second Street to serve the expected population in this vicinity, which is the greatest distance away from existing neighborhood supermarkets. The Commission believes requiring non-residential uses along Center Boulevard on blocks D and E, where the curvature of the road forms a slight enclosure around a small cove in the river facing Midtown Manhattan, provides an attractive setting for restaurants and cafes.

The Commission acknowledges the challenges posed by the irregular configuration and relatively large size of Site B and believes the proposed 1.0 floor area bonus for a publicly accessible private street and an adjacent publicly accessible private landscaped open area is the appropriate solution for the site. The new street would provide necessary circulation space for pedestrians, bicycles, and vehicles within the site while the new public open space would provide much-needed recreation space and landscaping. The proposed 1.25 floor area bonus for Inclusionary Zoning would help to address the city's strong need for permanent low- and moderate-income affordable housing. The Commission notes the concerns of the Site B property owner regarding the potential need for resident access through the public open space to a lobby entrance for the building, as well as the need to clarify the design review and approvals process for the public open area in the event Site B is developed before the park along 55th Avenue at Hunter's Point South. Accordingly, the Commission is modifying Map 8 of the SHP District to allow one 13 foot walkway through the public open area for lobby access and Section 125-45 to require design review and approval by the Chair of the City Planning Commission and the Commissioner of DPR in the event design standards have not been developed for the public open space on Site B before the site is developed.

The Commission supports the first Waterfront Access Plan for the Queens side of Newtown Creek. This often-maligned water body has been the focus of a dedicated group of residents, businesses, and elected officials who are succeeding in their efforts to require the long-delayed clean-up of the creek and surrounding blocks in Greenpoint, Brooklyn and Maspeth, Queens, located several miles from Site B. The Newtown Creek Waterfront Access Plan will ensure locations for the required Upland Connection and Supplemental Public Access on Site B to seamlessly integrate them into the required Shore Public Walkway and new publicly accessible private road and open area elements.

The new street grid and public parkland resulting from the changes to the City Map are critical to integrating new development with inland blocks and providing access for the first time to the majority of the East River and Newtown Creek shoreline on the Hunter's Point South site. The Commission believes it is important that the proposed street network will restore the 50th Avenue view corridor eliminated by the 1990 changes to the City Map. The Commission notes that this

view corridor provides a perfect view of the Empire State Building. The Commission supports the proposed street widths, which are designed to address the needs of pedestrians, bicycles, vehicles, and the Fire Department's safety requirements. The east-west side streets would generally be 60 feet in width, except for Borden Avenue, which would be 92 feet in width. Center Boulevard would also generally be 60 feet in width, while the width of Second Street would be 75 feet except for the portion of the street along Block C, where the width would remain 74 feet due to the existing vent shaft building. Sidewalk widths would be 15 feet on Center Boulevard, Borden Avenue, and Second Street, and 13 feet on all other streets. To preclude inappropriate encroachments into the public realm, the Commission is modifying Section 14-44 to not allow enclosed sidewalk cafes. The Commission notes that tree planting requirements for the mapped streets would be required through the recently adopted citywide tree-planting text change and it supports the modified tree planting provision that clarifies the street tree planting requirement for the private road required through a bonus provision in the Newtown Creek Subdistrict. The Commission notes that the SHP District curb cut provisions support pedestrian activities by precluding curb cuts on the wide streets, with the exception of one curb cut along Second Street on Site B, and establishing limited curb cut locations for the narrow streets. The Commission notes Community Board 2's recommendation to retain Second Street as a two-way street but believes that the separated, two-way bicycle lane created by changing Second Street to a one-way street is a better outcome for the neighborhood and the city-wide bike network.

The Commission looks forward to the realization of the nearly 11 acres of public parkland on the Hunter's Point South site, most of which would be located along the East River. It urges the Economic Development Corporation and its consultants, the Department of Parks and Recreation, and the Department of City Planning to preserve the point at the southernmost end of the site as a critical element of the park design. The Commission notes that this land feature is the community's namesake, being originally owned by George Hunter, and also notes that it rises notably higher than the rest of the Hunter's Point site, providing a remarkable change in topography with unique design opportunities. The Commission acknowledges the concerns of Community Board 2 in its desire to provide an appropriate mix of passive and active recreational opportunities and it urges the involved agencies and design consultants to include Community Board 2 and Hunter's Point residents and

businesses in the design process for the park.

The Commission acknowledges the desire expressed by Community Board 2 in its recommendation and public testimony and by representatives of affordable housing groups in their public testimony for broader income bands for the affordable housing on the Hunter's Point South site. While specific income levels on the Hunter's Point South site are beyond the scope of this action, the Commission notes that the city's affordable housing crisis also extends to middle income families. The has experienced a decline in the amount of middle income housing, due largely to a lack of housing subsidies for middle income housing and a loss of 40,000 units from the Mitchell Lama housing program, a program enacted by the New York State legislature in 1955 to subsidize middle and moderate income housing. The program expired in the mid-70's and no Federal or State housing programs have been adopted since then to support new housing for moderate and middle income individuals. In contrast, a number of housing programs have been created for low and moderate income families. By 2015, mortgages will expire on 59 additional Mitchell Lama developments representing more than 40,000 units, and all or most of these units could become market rate. The current and potential housing loss has enormous ramifications on the city's ability to maintain an economically diverse population and attract and retain employees, many of whom perform essential city services such as police, fire, sanitation, teaching, and nursing. The Hunter's Point South project will help retain middle income households by creating a neighborhood affordable to them.

The Commission notes the work of Community Board 2 and the extensive outreach and coordination undertaken by the city in developing the project. The Commission urges the involved agencies to continue their collaborative efforts as the project is implemented and to include Community Board 2 and the Hunter's Point neighborhood in decision-making for the project. The Commission looks forward to the project's realization.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on September 12, 2008, with respect to this application, the City Planning Commission finds that the requirements of the New York State

Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**ARTICLE 1  
GENERAL PROVISIONS**

\* \* \*

**Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-12**

**Establishment of Districts**

\* \* \*

**Establishment of the Special Southern Hunters Point District**

In order to carry out the purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

\* \* \*

**12-10**

**Definitions**

\* \* \*

**Special Southern Hunters Point District**

The “Special Southern Hunters Point District” is a special purpose district designated by the letters “SHP” in which special regulations set forth in Article XII, Chapter 5, apply. The Special Southern Hunters Point District appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is imposed.

\* \* \*

**Chapter 3**

**Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens**

\* \* \*

**13-01**

**Applicability**

In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, and the portion of Queens Community Districts 1 and 2 bounded by Queens Plaza North, 21st Street, 41st Avenue, 29th Street, 40th Road, Northern Boulevard, 43rd Street, Skillman Avenue, 39th Street, 48th Avenue, 30th Street, 49th Avenue, Dutch Kills Canal, Newtown Creek, ~~Second Street~~, the East River, the westerly prolongation of 50th Avenue, Center Boulevard, 49th Avenue, Fifth Street, Anable Basin, and the East River ("Long Island City subject area"), #accessory# off-street parking spaces, #public parking lots# and #public parking garages# shall be used or #developed# in accordance with the provisions of this Chapter, except as otherwise provided in Section 13-011 (Exceptions). In the event of a conflict between the provisions of this Chapter and those contained in special purpose district regulations or Sections ~~26-05~~ 26-15 (Curb Cuts) or 37-30 (STREETSCAPE), the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit the:

\* \* \*

**Chapter 4**

**Sidewalk Cafe Regulations**

\* \* \*

**14-44**

**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

<u>Queens</u>	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Downtown Jamaica District	No	Yes
<u>Southern Hunters Point District</u>	<u>No</u>	<u>Yes</u>

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

\* \* \*

**CHAPTER 2  
SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA**

\* \* \*

**62-80  
WATERFRONT ACCESS PLANS**

\* \* \*

**62-85  
Borough of Queens**

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

- Q-1: Northern Hunters Point, as set forth in Section 62-851
- Q-2: Downtown Flushing, as set forth in Section 62-852.

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section 125-45 (Newtown Creek Waterfront Access Plan)

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

*(All text is new; it is not underlined)*

**Chapter 5  
Special Southern Hunters Point District  
125-00  
GENERAL PURPOSES**

The "Special Southern Hunters Point District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage well-designed new development that complements the built character of the Hunters Point neighborhood;
- (b) to maintain and reestablish physical and visual public access to and along the waterfront;
- (c) to broaden the regional choice of residences by introducing new affordable housing;
- (d) to achieve a harmonious visual and functional relationship with the adjacent neighborhood;
- (e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (f) to take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;
- (g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (h) to promote the most desirable use of land and building development in accordance with the district plan for Southern Hunters Point and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

**125-01  
General Provisions**



In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of the #Special Southern Hunters Point District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Southern Hunters Point District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

## **125-02**

### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Southern Hunters Point District# Plan.

The District Plan includes the following nine maps:

- Map 1 Special Southern Hunters Point District Plan, Subdistricts and Parcels
- Map 2 Special Ground Floor Use Regulations
- Map 3 Street Wall Location
- Map 4 Minimum Base Heights of 40 feet
- Map 5 Maximum Base Heights other than 70 feet
- Map 6 Tower Areas
- Map 7 Mandatory Sidewalk Widening and Publicly Accessible Open Area
- Map 8 Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict
- Map 9 Newtown Creek Waterfront Access Plan
- Map 10 Permitted Curb Cut Locations

## **125-03**

### **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, the #Special Southern Hunters Point District# is divided into two subdistricts: the East River Subdistrict and the Newtown Creek Subdistrict. The East River Subdistrict is further subdivided into parcels A through G. The location and boundaries of the subdistricts and parcels are shown on Map 1 (Special Southern Hunters Point District Plan, Subdistricts and Parcels) in Appendix A.

## **125-04**

### **Applicability of District Regulations**

## **125-041**

### **Modification of use and bulk regulations for zoning lots bounding parks**

Where the #lot line# of a #zoning lot# coincides with the boundary of a #public park#, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

## **125-042**

### **Modification of Article VI, Chapter 2**

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) are modified as set forth in Section 125-45 (Newtown Creek Waterfront Access Plan).

## **125-10**

### **USE REGULATIONS**

## **125-11**

### **Ground Floor Use Along Designated Streets**

Map 2 (Special Ground Floor Use Regulations) in Appendix A of this Chapter specifies locations where the special ground floor #use# regulations of this Section apply. Such regulations shall apply along the entire #street# frontage of the #building#, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 30 feet of the #street wall# shall be limited to #commercial# or #community facility uses# permitted by the underlying district. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the length of lobby frontage need not be less than 20 feet.

## **125-12**

### **Transparency Requirements**

The ground floor #street wall# bounding any #community facility use# other than a #school# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area, and the maximum sill height of all show windows shall be two

feet six inches above the adjoining sidewalk or public access area.

The ground floor #street wall# bounding any #commercial use# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. Furthermore, the maximum sill level of all show windows shall be two feet six inches above the adjoining sidewalk or public access area.

### **125-13**

#### **Location of Uses in Mixed Buildings**

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential uses#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

### **125-14**

#### **Security Gates**

All security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

### **25-20**

#### **FLOOR AREA REGULATIONS**

### **125-21**

#### **East River Subdistrict**

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the table below, and no #floor area# bonuses shall apply.

Parcel	Maximum Floor Area
Parcel A	12.0
Parcel B	10.0
Parcel C	10.5

Parcel D	12.0
Parcel E	12.0
Parcel F	10.0
Parcel G	12.0

**125-22**

**Newtown Creek Subdistrict**

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

- (a) Floor area bonus for public amenities  
 For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chair of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).
- (b) Floor area increase for Inclusionary Housing
  - (1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.
  - (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:
    - (i) the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply, and
    - (ii) The provisions of paragraph (a)(2) of Section 23-952 (Substantial rehabilitation and off-site new construction options) shall be modified to require that in the event the #lower income housing# is not located within

the same Community District as the #compensated development#, it is located within a one-half mile radius of the #compensated development# in an adjacent Community District in the Borough of Queens.

**125-30  
HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply, except as set forth in this Section. In lieu thereof, the height and setback regulations of this Section, 125-30, inclusive, shall apply. All heights shall be measured from the #base plane#.

**125-31  
Rooftop Regulations**

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either

- (1) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or,
- (2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

**125-32  
Balconies**

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies are permitted provided that at least 50 percent of the perimeter of the balcony is bounded by building walls, exclusive of parapet walls.

## 125-33

### Required Street Walls

(a) Street wall location

All #street walls# of #buildings# shall be located on #street lines# of #zoning lots# as shown on Map 3 (Street Wall Location). For the purposes of applying the height and setback regulations of this Section, wherever a #building# fronts upon any #public park#, or any sidewalk widening, publicly accessible open area or private street #developed# in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, publicly accessible open area or private street shall be considered to be a #wide street line#

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 feet).

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights other than 70 feet).

(d) Recesses

Recesses, not to exceed three feet in depth, shall be permitted on the ground floor where required to provide access to the #building#, and recesses, not to exceed five feet in depth, shall be permitted on the ground floor where required to provide access to utilities. Above the height of the second #story# or 30 feet above adjoining grade, whichever is greater, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#.

(c) Required setbacks and maximum building heights

Setbacks are required for all portions of #buildings# that exceed the applicable maximum base height, except #schools#. All required setbacks shall be provided at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that the depth of such setbacks may include the depth of any permitted recesses in the #street wall#. For the purposes of this paragraph, (c), the following shall be considered #wide streets#:

- (1) Second Street between 54<sup>th</sup> Avenue and Borden Avenue;
- (2) 55<sup>th</sup> Avenue between Center Boulevard and Second Street, and
- (3) Center Boulevard between 50<sup>th</sup> Avenue and 57<sup>th</sup> Avenue

Above the applicable maximum base height, the maximum building height shall be 125 feet, except where towers are permitted pursuant to Section 125-34.

## **125-34 Towers**

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

- (a) Tower location and maximum tower height  
All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas). The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the #stories# entirely within 40 feet of the highest roof level of the #building# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.
- (b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be 95 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

- (c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section 125-33, up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback.

### **125-35**

#### **Authorization for Height and Setback Modifications**

Within the #Special Southern Hunters Point District#, for any #development# or #enlargement#, the City Planning Commission may modify the regulations set forth in Section 125-30, inclusive, provided the Commission finds that such modifications:

- (a) will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;
- (b) are consistent with the goals of the Special District to provide flexibility of architectural design and encourage more attractive building forms; and
- (c) will result in a #development# or #enlargement# that enhances the streetscape and is compatible with #development# in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

### **125-40**

#### **DISTRICT PLAN ELEMENTS**

### **125-41**

#### **Sidewalk Widening**

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area) shows locations of mandatory sidewalk widening in the East River Subdistrict. The depth of such sidewalk widening shall be as indicated on Map 7 and shall be measured perpendicular to the #street line# unless otherwise indicated. All sidewalk widening shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times.

### **125-42**

#### **Publicly Accessible Open Area Requirements on Parcels B, D, E and F**

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Areas) shows locations where open areas are permitted or required on Parcels B, D, E and F in the East River Subdistrict. Where any such area is provided, it shall be publicly accessible and comply with the standards of Section 37-741 (Seating), Section 37-743 (Lighting and electrical power), Section 37-744 (Litter receptacles), Section 37-745 (Bicycle parking), Section 37-746 (Drinking fountains), Section 37-747 (Public space signage), Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses), and Section 37-77 (Maintenance).



In addition the provisions of Section 37-742 (Planting and trees) shall apply to such open areas, and shall be modified to require that:

- (a) at least 30 percent of each open area be comprised of planting beds;
- (b) at least two four-inch caliper trees or three ornamental trees be provided within such open areas on Parcels D and F, and
- (c) No trees shall be required within the open areas on Parcels B and E.

### **125-43**

#### **Publicly Accessible Open Area Requirements on Parcel G**

A publicly accessible private open area shall be provided within the area of Parcel G in the East River Subdistrict shown on Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area). No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is consistent with the Department of Parks and Recreation design standards used for the development of the adjacent #public park#. A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation.

In the event that Parcel G is not owned by the City, then, prior to design and development of the publicly accessible open area, the owner of Parcel G may make a request directed to the Office of the Mayor to transfer to the City its fee simple absolute interest, free and clear of any encumbrances in the such open area. The City may accept the transfer request, provided that development of the open area is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of the Department of Parks and Recreation, and transfer is made pursuant to such instruments as are necessary for implementation. In the event of a transfer, the #bulk# and parking computations for the #zoning lot# shall include the transferred property and such transfer shall not be deemed a #non-compliance#.

### **125-44**

#### **Private Street Requirements in Newtown Creek Subdistrict**

In the Newtown Creek Subdistrict, where a private street is provided pursuant to paragraph (a) of Section 125-22, such private street shall be constructed to minimum Department of Transportation standards for public #streets#, including lighting, curbs and curb drops. Such private street shall consist of a paved road bed with a minimum width of 34 feet from curb to curb with 13-foot wide sidewalks on each side along its entire length. Such private street shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict). One tree shall be planted for every 25 feet of curb length of the private street.

Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street,

#### **125-45**

#### **Publicly Accessible Open Area in Newtown Creek Subdistrict**

Where a publicly accessible private open area is provided pursuant to paragraph (a) of Section 125-22, such open area shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict). No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is either:

- (a) consistent with the Department of Parks and Recreation design standards for the #public park# located on 55<sup>th</sup> Avenue between Center Boulevard and Second Street, or
- (b) in the event that design standards have not been developed for the #public park# located on 55<sup>th</sup> Avenue between Center Boulevard and Second Street, acceptable to the Chairperson of the City Planning Commission and the Department of Parks and Recreation.

A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation. Such approved plan shall allow for pedestrian access from 55<sup>th</sup> Avenue to the residential entrance of a #building# bounding the publicly accessible private open area. The paved width of such access shall not exceed 13 feet, and its location shall be within the area shown on Map 8.

#### **125-46**

#### **Newtown Creek Waterfront Access Plan**

Map 9 shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on (effective date of amendment).

- (a) Modification of #use# requirements

All Use Group 6 and 9 #uses# listed in Section 62-212 (Waterfront-enhancing uses) shall be a permitted #use# in #Residence Districts# within the Newtown Creek Waterfront Access Plan, provided that:

- (1) such #use# is limited to not more than 10,000 square feet of #floor area# per establishment;
- (2) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on the #zoning lot#; and
- (3) such #uses# are located below the level of the first #story# ceiling of a #building#.

Additionally, docks for water taxis and docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be a permitted #use# within the Newtown Creek Waterfront Access Plan.

(b) Modifications of design standards

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) are modified at the following designated locations which are shown on Map 7:

(1) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of Section 62-831 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) shall apply to all new #development#.

(2) #Upland connection#

A single #upland connection# shall be provided through Block 11, Lot 1 abutting the prolongation of 5th Street and extending from the shore public walkway northerly to 54th Avenue.

(3) #Supplemental public access area#

#Supplemental public access areas# shall be provided pursuant to Section 62-415, paragraph (a), and shall be located as indicated on Map 9.

**125-47**

**Phased Implementation of Publicly Accessible Areas**

In the Newtown Creek Subdistrict, the Chairperson of the City Planning Commission shall allow for the phased implementation of all required publicly accessible areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# in each phase. For any #development# located within 100 feet of a #shoreline#, the initial phase shall provide, at a

minimum, the required #shore public walkway# and any adjacent #supplemental public access areas# located between such #development# and such #shore public walkway#. For any #development# that fronts upon 54<sup>th</sup> Avenue, the initial phase shall provide, at a minimum, the required publicly accessible private street.

## **125-50**

### **PARKING REGULATIONS**

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall apply except as set forth in this Section.

## **125-51**

### **General Regulations**

For the purposes of Section 125-50 (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

## **125-52**

### **Location of off-street parking spaces**

(a) Enclosure of spaces

All off-street parking spaces shall be located within facilities that, except for entrances and exits, are entirely below the level of any #street# or publicly accessible open area upon which such facility or portion thereof fronts, or shall be located, at every level above-grade, behind commercial, community facility or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. Such #floor area# shall have a minimum depth of 30 feet.

(b) Rooftop landscaping

Any roof area of a parking garage not otherwise covered by a #building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more

than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph, (b).

### **125-53**

#### **Maximum Size of Permitted Accessory Group Parking Facilities**

In the East River Subdistrict, Section 13-134 (Multiple use development) shall apply except that the maximum number of spaces within an #accessory# parking facility for a multiple #use development# shall be 780. Section 13-141 (Location of accessory off-street parking spaces) shall not apply.

In the Newtown Creek Subdistrict, Section 13-134 shall apply except that the maximum number of spaces within an #accessory# parking facility for a multiple #use development# shall not exceed 40 percent of the number of #dwelling units# within the #development#.

### **125-54**

#### **Off-site Facilities in the East River Subdistrict**

In the East River Subdistrict, all #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided such parking facilities are located within the #Special Southern Hunters Point District#, and the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each off-site #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

### **125-55**

#### **Location of curb cuts**

Curb cuts are permitted only in the locations indicated on Map 10 (Permitted Curb Cut Locations) in Appendix A. The aggregate width of all curb cuts provided for any #development# shall not exceed 50 feet.

### **125-56**

#### **Accessory Indoor Bicycle Parking**

Within the #Special Southern Hunters Point District#, a designated area for #accessory# bicycle parking shall be provided for all #developments# or #enlargements#. Such designated area shall be enclosed, accessible and secure, and excluded from the definition of #floor area#.

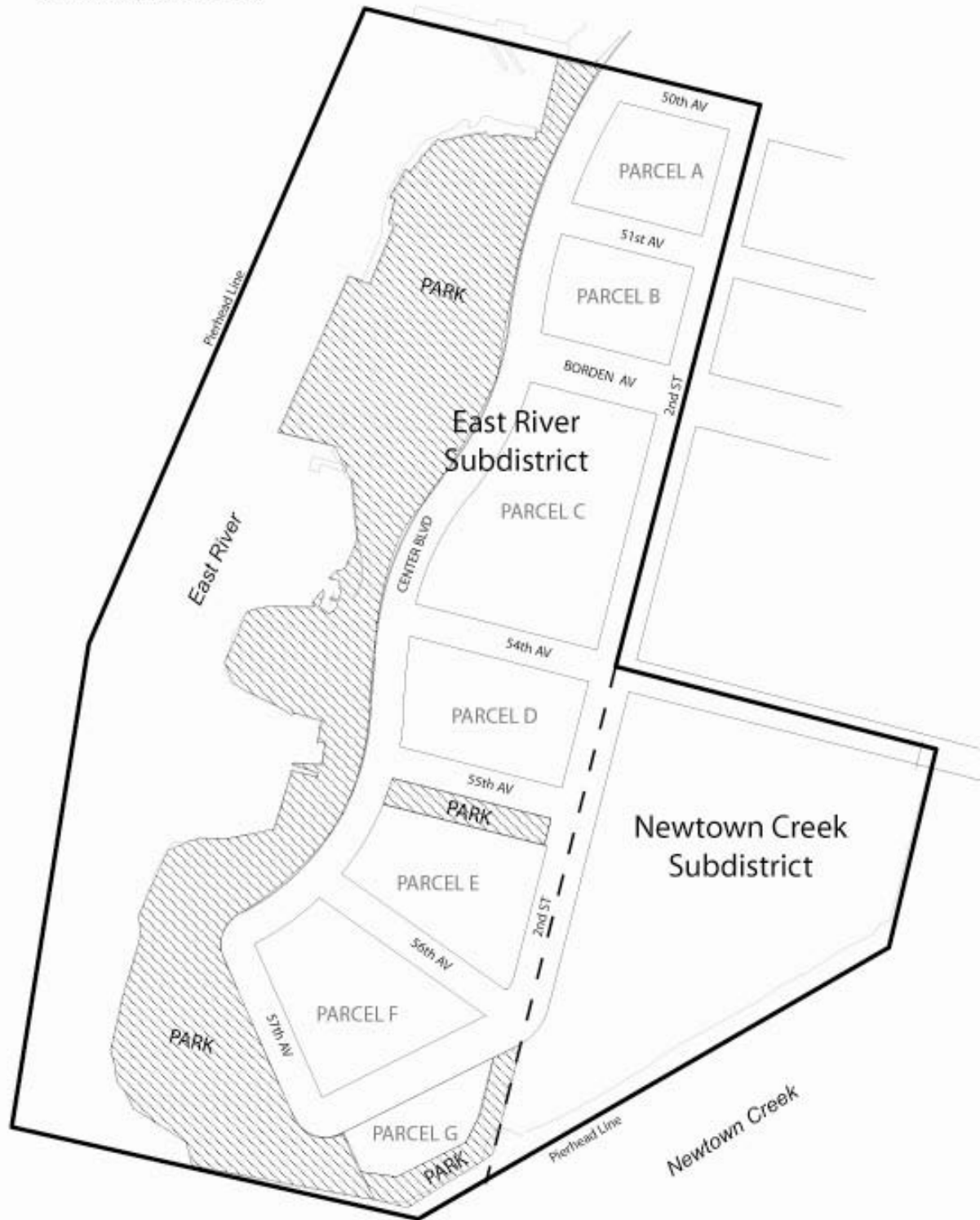
#Accessory# facilities, such as lockers, showers and circulation space shall also be excluded from the definition of #floor area#.

- (a) For #residential buildings# with ten or more #dwelling units#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.

- (b) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6B office #use#, one bicycle parking space shall be provided for every 5,000 square feet of such office #use#, up to a maximum of 200 bicycle parking spaces.
- (c) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6A or 6C retail #use#, one bicycle parking space shall be provided for every 5,000 square feet of such #use#, up to a maximum of 100 bicycle parking spaces.

Special Southern Hunters Point District



Map 1. Special Southern Hunter's Point District Plan, Subdistricts and Parcels







Special Southern Hunters Point District  
Map 3. Street Wall Location

-  Mandatory Street Wall Location
-  Street Wall required within 25' of street line



Special Southern Hunters Point District  
Map 4. Minimum Base Heights of 40 feet

█ Locations where 40' minimum base heights are permitted



# Special Southern Hunters Point District





## Map 5. Maximum Base Heights other than 70 feet

- 40' Maximum base height
- 105' Maximum base height
- Areas where sheer tower walls are permitted







Special Southern Hunters Point District

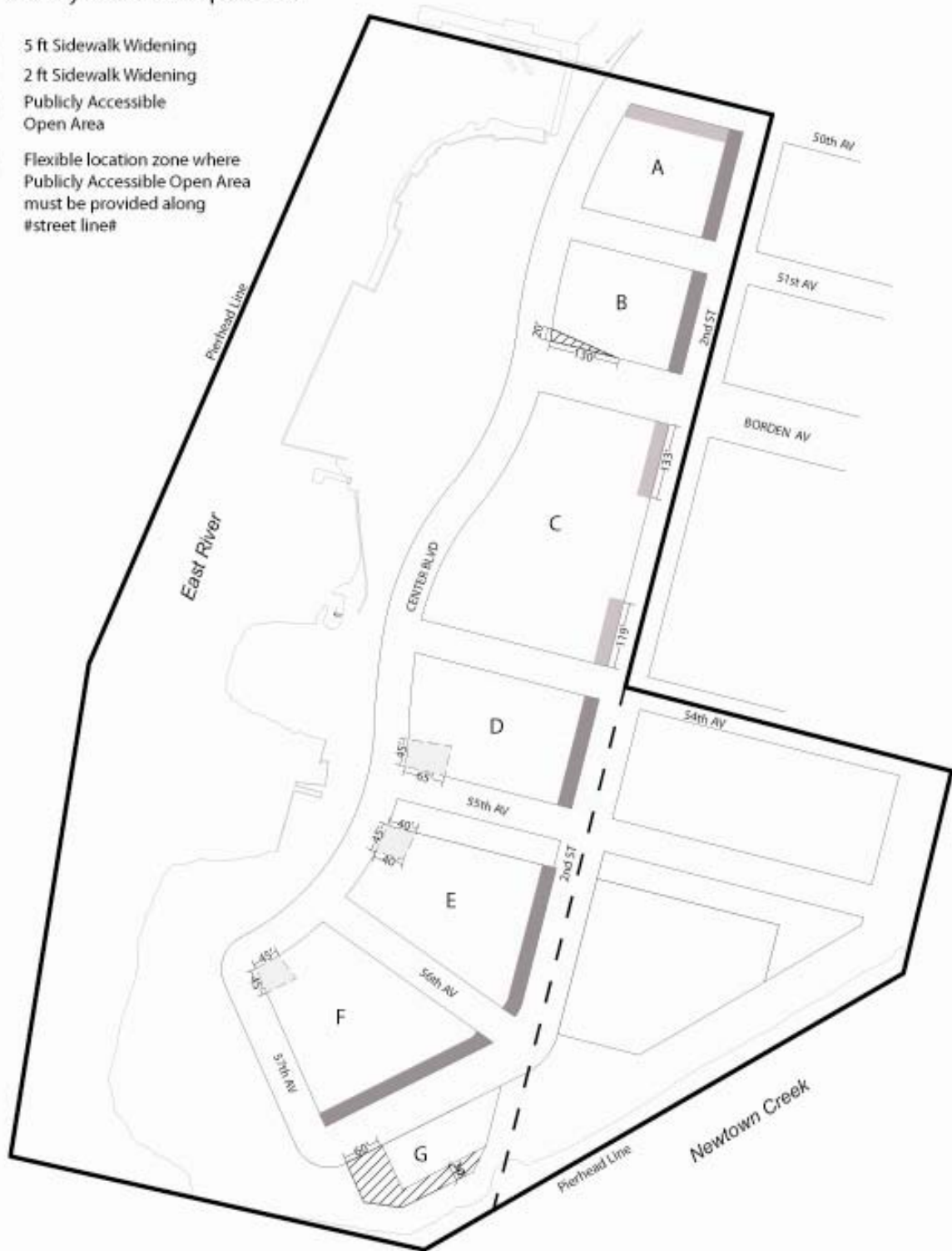
Map 6. Tower Areas

-  270'
-  300'
-  350'
-  400'

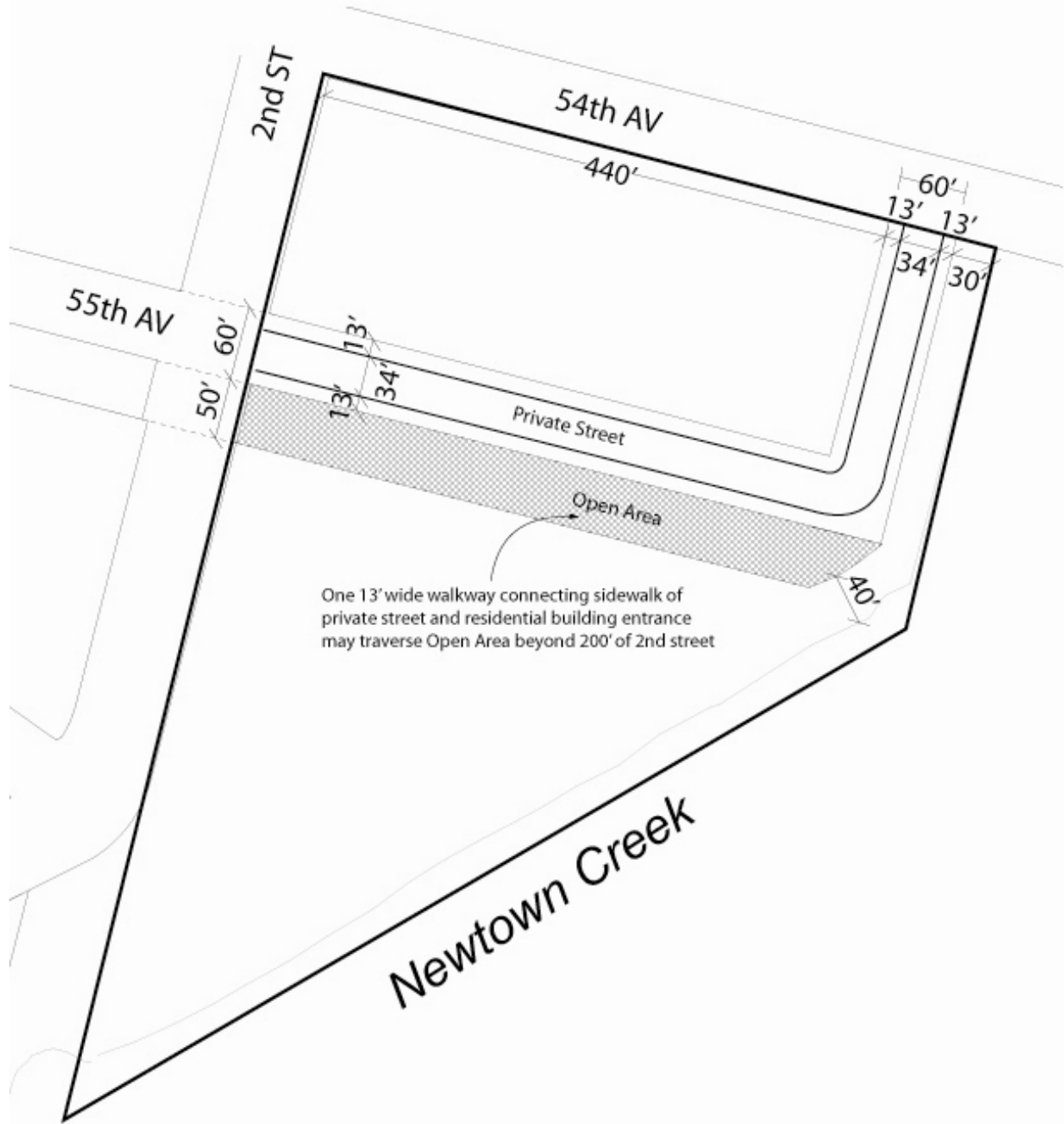


Special Southern Hunters Point District  
 Map 7. Mandatory Sidewalk Widening and  
 Publicly Accessible Open Area

-  5 ft Sidewalk Widening
-  2 ft Sidewalk Widening
-  Publicly Accessible Open Area
-  Flexible location zone where Publicly Accessible Open Area must be provided along #street line#



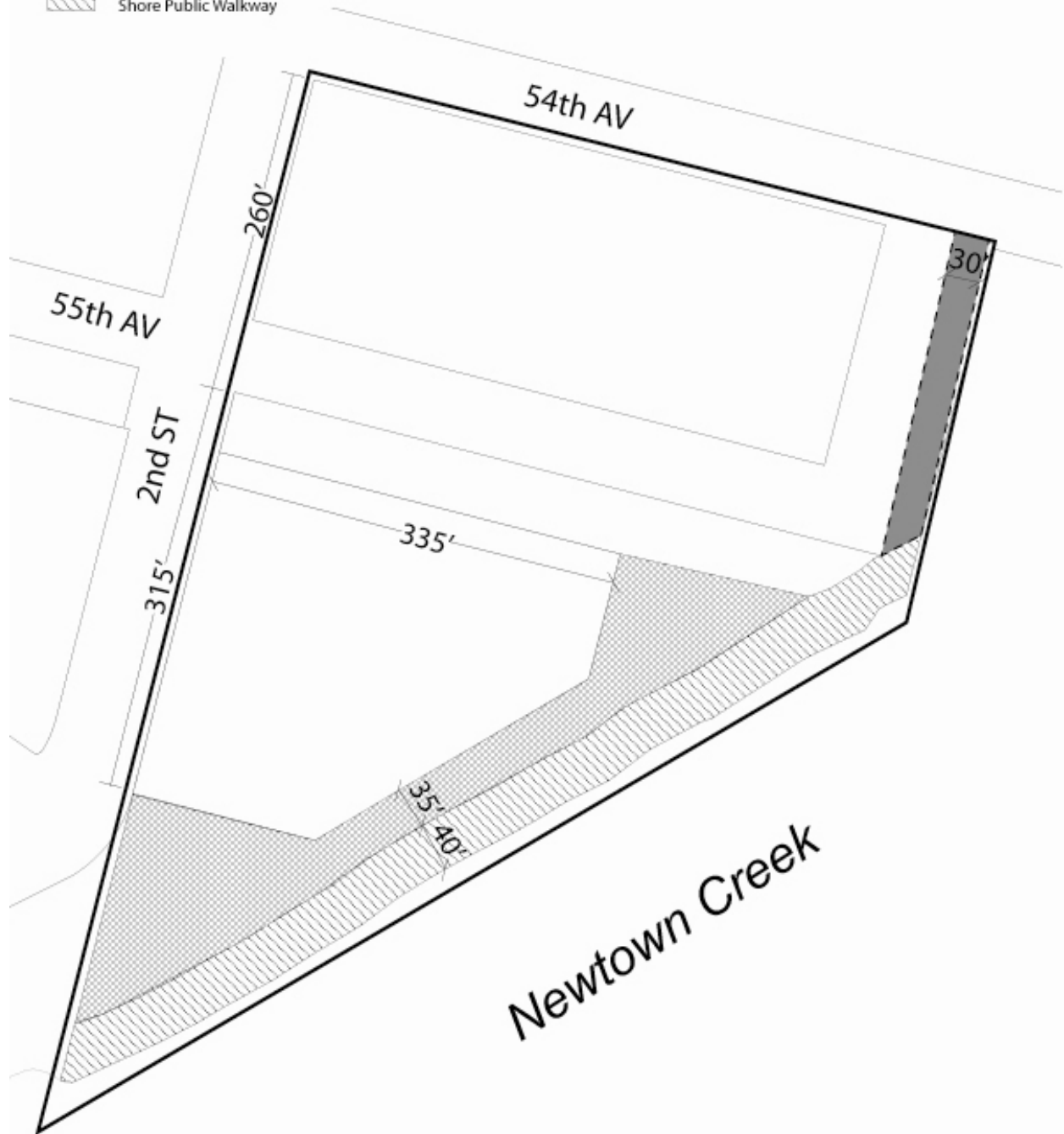
Special Southern Hunters Point District  
Map 8. Publicly Accessible Private Street and Open Area in  
Newtown Creek Subdistrict



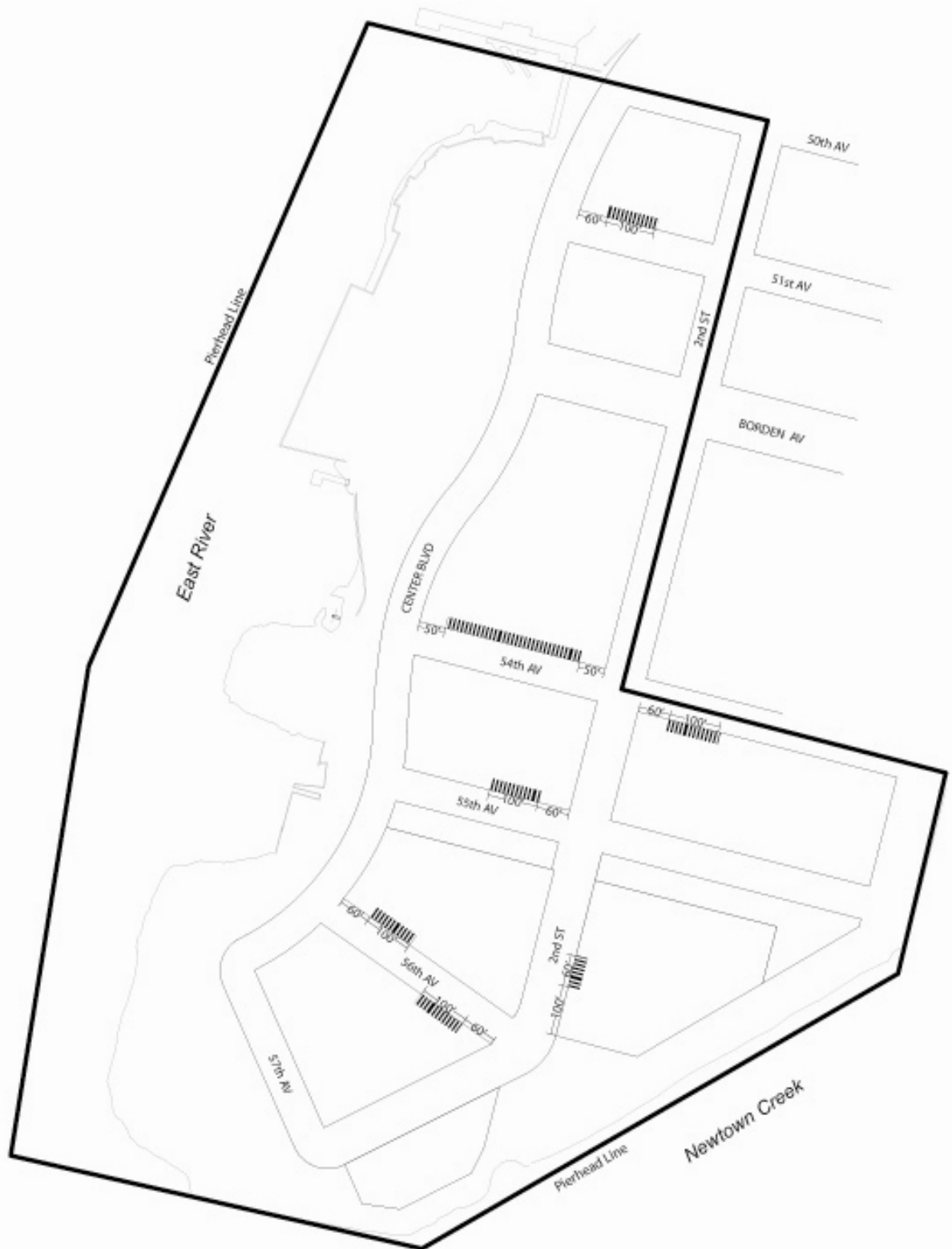
Special Southern Hunters Point District

Map 9. Newtown Creek Waterfront Access Plan (Q-3)

- Supplemental Public Access Area
- Upland Connection
- Shore Public Walkway



Special Southern Hunters Point District  
Map 10. Permitted Curb Cut Locations





The above resolution (N 080363 ZRQ), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman**

**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA., ALFRED C. CERULLO, III,**

**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,**

**SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**