



## CITY PLANNING COMMISSION

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September 29, 2014/Calendar No. 9

C 140323 (A) ZSQ

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**IN THE MATTER OF** an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of special permits pursuant to the following sections of the Zoning Resolution:

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

in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3<sup>rd</sup> Street, the U.S. Pierhead and Bulkhead Line, 9<sup>th</sup> Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development, within the Halletts Point Peninsula, Borough of Queens, Community District 1.

\*197-d(b)(2) eligible

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An application (C 140323 ZSQ) for a special permit pursuant to Section 74-743 of the Zoning Resolution was filed by 2030 Astoria Developers, LLC on March 20, 2014 to facilitate the development of a mixed-use large-scale general development located on the Halletts Point peninsula in Queens, Community District 1. On July 8, 2014, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, 2030 Astoria Developers, LLC filed an application (C 140323 (A) ZSQ) to modify the proposed special permit in conjunction with the related application for a zoning text amendment (N 140329 (A) ZRQ) intended to expand and strengthen the provisions for affordable housing in response to the issuance of the Mayor's Housing Plan and Community Board 1's request for an increase in the amount of affordable

housing included within the project. On September 26, 2014, the applicant withdrew related application C 140323 ZSQ; the subject of this report is application C 140323 (A) ZSQ.

**RELATED ACTIONS**

In addition to the special permit, which is the subject of this report (C 140323 (A) ZSQ), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 140322 ZMQ      Amendment to the Zoning Map, Section No. 9a, changing from an M1-1 District to an R7-3 District with a C2-4 overlay; changing from an R6 District to an R7A District with a C2-4 overlay; and changing from an R6 District to an R6B District.
  
- N 140329(A) ZRQ      Amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing and modifying Article VII, Chapter 4, relating to Large-Scale General Development.
  
- C 140324(A) ZSQ      Special permit, pursuant to Section 62-836, to permit bulk modifications within waterfront blocks.
  
- N 140325 ZAQ      Authorization by the City Planning Commission, pursuant to Section 62-822(a), to permit area and dimension modifications for a waterfront public access area and visual corridors within a large-scale general development.
  
- N 140326 ZAQ      Authorization by the City Planning Commission, pursuant to Section 62-822(b), to permit design modifications for a waterfront public access area within a large-scale general development.
  
- N 140327 ZAQ      Authorization by the City Planning Commission, pursuant to Section 62-822(c), to permit construction of a waterfront public access area in

conjunction with the phased development of the buildings of the proposed large-scale general development.

N 140328 ZCQ Chairman Certification pursuant to Section 62-811(b) that a site plan has been submitted showing compliance with the provisions of Section 62-50 and Section 62-60, as modified by the authorizations (N 140325 ZAQ, N 140326 ZAQ and N 140327 ZAQ), within a large-scale general development.

C 130384 MMQ Amendment to the City Map to (a) establish 4<sup>th</sup> Street between 26<sup>th</sup> Avenue to the edge of the proposed waterfront esplanade and; (b) eliminate 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the U.S. Pierhead and Bulkhead Line.

## **BACKGROUND**

2030 Astoria Developers, LLC requests several actions, including special permits and a zoning map and text amendments to facilitate a new, mixed-use, predominantly residential development on an 8.7-acre site located along the western Astoria waterfront in Queens, Community Board 1.

After certification of pertinent land use applications on April 21, 2014, and following the issuance of *Housing New York*, the Mayor's 10-year affordable housing strategy, and in response to Community Board 1's recommendations, modifications were incorporated within the proposed actions to make the project more consistent with the direction laid out in the housing plan. To support the creation of an economically balanced community, the modified application incorporates a mandatory Inclusionary Housing requirement, with the development of residential floor area conditioned on the provision of affordable housing.

Modifications to the requested special permits were submitted on July 8, 2014, to accommodate the increase in floor area as a consequence of incorporating proposed R7A and R6B districts within the proposed Inclusionary Housing designated area. The modified applications propose the

development of 1,723 residential units, including 345 affordable dwelling units across the entire site, whereas the certified application proposed 1,689 residential units, including 295 affordable dwelling units on a portion of the site. The other project elements remain unchanged between the certified application and the modified application, including the proposal of nearly 54,000 square feet of commercial floor area, including a future FRESH supermarket, and approximately 900 accessory parking spaces. The project also will provide approximately 60,500 square feet for a new pre-K-5<sup>th</sup> grade public school and a public waterfront esplanade and public access area measuring approximately 55,600 square feet. The subject of this report is based on the modified applications.

### Location

The project site lies on a bend in the East River called Pot Cove on a peninsula that juts into the East River waterfront in western Astoria, known by many as Halletts Point. The site is bounded generally by 27th Avenue to the south, 4th Street to the west, the East River to the north and 9th Street to the east. West of the project site there are low-scale light industrial and residential buildings, warehouses, and open and enclosed storage yards. The area farther west of the project site includes the 3.6-acre Whitey Ford Field city park at the end of 26<sup>th</sup> Avenue adjacent to the East River waterfront. To the south is the campus of Astoria Houses, a 27-acre public housing development operated by the New York City Housing Authority (NYCHA) and, consisting of 22 six- to seven-story buildings with 1,103 residential units. Adjacent to and south of the site is the headquarters of Goodwill Industries at 4th Street and 27th Avenue, which includes a 15-story residential tower known as Goodwill Terrace Apartments. Directly adjacent to and east of the project site is Shore Towers, a 23-story residential condominium, with 414 apartments and a shorefront public walkway. Beyond the surrounding area to the east and extending along the East River waterfront, south of the Robert F. Kennedy Bridge to north of the Hell Gate Bridge, is the 65-acre Astoria Park, comprised of many public active recreational uses, including a skate park, tennis courts, ball fields, a track, bandstand and a large swimming pool.

In 2013, the City Planning Commission and the City Council approved a project known as “Halletts Point” (C 130244 ZSQ and related actions), located west and south of the project site. The Halletts Point project is a 9.66 acre mixed-use development proposal, generally bounded by

26<sup>th</sup> Avenue, 8<sup>th</sup> Street, 30<sup>th</sup> Avenue and the East River. It involves construction of 10 residential/commercial mixed-used buildings ranging in height from 11 to 31 stories, and containing approximately 2,404 dwelling units, including 483 affordable dwellings. Five of the 10 proposed buildings would be constructed on the Astoria Houses Campus. A total of 68,683 square feet of ground floor retail space, including a 30,000 square-foot FRESH supermarket is proposed along with 1,176 accessory parking spaces. Adopted by the City Council in December 2009, the FRESH program provides zoning incentives to property owners and store operators in city neighborhoods that are underserved by grocery stores offering fresh produce.

On April 28, 2010, the City Planning Commission approved the “Astoria Rezoning” (C 100200 ZRQ and C 100199 ZMQ), which involved a proposal by the Department of City Planning for the comprehensive and contextual rezoning of 238 blocks in the Astoria neighborhood of Queens, Community District 1. The Astoria Rezoning was approved by the City Council on May 25, 2010. The Astoria Rezoning did not include the Halletts Point peninsula. The rezoning was intended to encourage new mixed-used, moderate-density development along some of the rezoned area’s wider streets and, commercial corridors and at sites close to transit hubs. The neighborhood’s main shopping streets include Astoria Boulevard, Steinway Street, Broadway, 30th Avenue, and 31st Street. In addition, the voluntary Inclusionary Housing Program was applied in certain locations to provide incentives for the construction or preservation of affordable housing units in portions of the rezoned area, including properties fronting on Vernon Boulevard to the southeast of the project site.

The Astoria neighborhood is mainly accessible by the N, Q, M and R public transit lines. The project site is served by the N and Q elevated transit lines at Astoria’s Astoria Boulevard and 30<sup>th</sup> Avenue stations, each of which is located approximately 9/10 of a mile from the site along 31st Street. Bus transportation along 27th Avenue is provided by New York City Transit’s Q18, Q102 and Q103 routes.

### Land Use

Land uses on the project site primarily consist of light industrial, warehousing and vehicle storage uses, along with portions of vacant land. Adjacent uses include one- and two-family

homes, multi-family housing, and institutional use. Portions of the surrounding area north of 26th Avenue are developed with light industrial, warehouse and commercial buildings that range in height from one to three stories.

The greater Astoria neighborhood is generally a well-developed residential community characterized by a broad mix of housing types, including mid-rise walk-up and elevator apartment buildings, two- and three-story row houses, one- and two-family homes, and higher density multi-family buildings. Mixed-use buildings and commercial buildings with local retail and service establishments are found along the neighborhood's shopping streets, such as Astoria Boulevard and 30<sup>th</sup> Avenue.

### Zoning

The project site is zoned M1-1 north of 26th Avenue and R6 south of 26th Avenue. The M1-1 zoning district allows light industrial uses, as well as office, hotel and retail uses. The maximum permitted floor area ratio (FAR) is 1.0. Certain community facilities are also allowed in M1 districts and are permitted a maximum FAR of 2.40. Heights of buildings in M1-1 districts are regulated by the sky-exposure plane, which begins 30 feet above the street line.

The R6 zoning district allows for medium density residential development. The maximum FAR ranges from 0.78 to 2.43 for residential uses, depending on the amount of open space provided, and 4.8 for community facilities. Bulk regulations for R6 districts are based on either Height Factor or Quality Housing regulations. Buildings developed using the Height Factor are often 12 to 15 stories tall, producing buildings that are set back from the street and surrounded by open space and on-site parking. The 15-story Goodwill Terrace Apartments, adjacent to the project site, is an example of the use of the Height Factor regulations in an R6 district. Buildings developed using the optional Quality Housing regulations have high lot coverage, and are set at or near the street line. The maximum FAR ranges from 2.2 to 3.0 based upon the street width, and building heights range from five to seven stories.

Accessory off-street parking regulations are governed by the underlying M1-1 and R6 districts. Off-street parking requirements in M1-1 districts vary with land use. In the R6 district, generally

off-street parking spaces are required for 70 percent of the total number of residential units, unless the zoning lot is less than 10,000 square feet, in which case, only 50 percent of the total number of residential units is required. Additionally, off-street parking requirements can be waived if five or fewer spaces are required.

## **Project Description**

The proposed project would involve the construction of five mixed-use buildings on the 8.7-acre development site, containing approximately 1,765,350 square feet of floor area, with about 1,723 dwelling units, including 345 affordable dwelling units. The proposed project includes approximately 54,099 square feet of ground floor retail space (including a 25,000 square-foot supermarket) and approximately 900 accessory enclosed parking spaces. The project would also provide a site for a 60,567 square-foot public elementary school that would be located on the reopened section of 26<sup>th</sup> Avenue at 9<sup>th</sup> Street and accommodate approximately 456 seats for children in grades pre-K to 5<sup>th</sup> grade. The project would also provide new publicly accessible open space along the waterfront and a centrally-located pedestrian walkway to be called “8<sup>th</sup> Street Mews.” These additional public improvements will total approximately 55,660 square feet in area.

### “Buildings 1-5”

Three of the five proposed buildings will be located on the waterfront portion of the development site north of 26<sup>th</sup> Avenue. They will range in height from 12 to 32 stories, with floor area totaling approximately 1,566,353 square feet. The three buildings (referred to as “Building 1”, “Building 2” and “Building 3”) on the waterfront zoning lot will be mixed-use with ground floor commercial uses and market-rate and affordable dwelling units on the upper floors. Building 2 is planned to include the proposed FRESH supermarket on its ground floor.

Two buildings are planned on the upland zoning lot, south of 26<sup>th</sup> Avenue. The two buildings (referred to as “Building 4” and “Building 5”) will have floor area totaling approximately 196,000 square feet. Building 4, a mixed-use residential and commercial building, will be

located west of the 8<sup>th</sup> Street Mews and rise eight stories in height. Building 5, to the east of the 8<sup>th</sup> Street Mews, includes a six-story residential building. Both buildings will contain market-rate and affordable dwelling units. This upland portion of the zoning lot also includes the approximately 15,400 square-foot site for a public elementary school.

Overall, the five buildings were massed across the site to provide a variation in profiles between point-tower and slab configurations and to provide a general increase in building height and scale that fosters harmonious transition between the upland zoning lot and the waterfront lot.

### Site Plan

To maximize public access to the waterfront, the project proposes to create a new diagonal extension of 4<sup>th</sup> Street from 26<sup>th</sup> Avenue to the waterfront esplanade and improve the currently undeveloped and inaccessible segment of 8<sup>th</sup> Street north of 27<sup>th</sup> Avenue as a pedestrian walkway leading to the esplanade. These site plan changes are included as part of a related mapping action (C 130384 MMQ) that would establish the 4<sup>th</sup> Street extension and eliminate the mapped but un-built portion of 8<sup>th</sup> Street. The proposal would also re-open and improve the privatized section of 26<sup>th</sup> Avenue in order to make a connection between 4<sup>th</sup> and 9<sup>th</sup> Streets, and overall, these street network changes would expand and strengthen the street grid system in this portion of the Halletts Point peninsula.

Following the downward slope of the site as one traverses from 27<sup>th</sup> Avenue to the waterfront, the “8<sup>th</sup> Street Mews” is planned to be a pedestrian walkway connection that is bisected by 26<sup>th</sup> Street. This passageway will consist of unit pavers and a series of stairs, landings and planters that mitigate the sloping topography between 27<sup>th</sup> and 26<sup>th</sup> Avenues and will provide additional ingress/egress for the proposed townhouses facing the terraced walk. The proposed planters will incorporate seating elements and are designed to serve as rain gardens that capture and slowly release stormwater. Tree species will include common alder, river birch, and black tupelo, and understory plants will include amelanchiers, dogwoods, and a rain garden palette consisting of sedges, wildflowers, shrubs, and irises.



Fourth Street will connect to Crescent Drive, running along the edge of a waterfront esplanade, which is planned as a privately-owned, publicly-accessible roadway (part of the public access area laid out in the related zoning actions). This drive will connect 4<sup>th</sup> and 9<sup>th</sup> Street, with scenic views across the esplanade to the river beyond. It has been designed with distinct visual and textural changes in paving, as well as a row of bollards, in order to distinguish the pedestrian and vehicular areas and to provide an easy transition between the commercial edges of Building 2 and Building 3, which includes areas for cafes, seating, and retail, to the upper level of the waterfront esplanade. The project will also improve the end of 9<sup>th</sup> Street at the waterfront with a widened turn around to accommodate emergency vehicles.

### Open Space

The open space plan maximizes the unique waterfront location and will feature a variety of new publicly accessible open spaces, including a waterfront esplanade, a two-block pedestrian mews, and an extensive and varied streetscape design that enhances the pedestrian experience.

The waterfront public access area, which includes the shore public walkway, upland landscaped connection for the 8<sup>th</sup> Street Mews, and supplemental public access area will measure nearly 55,621 square feet, about eight percent more than the minimum zoning requirement. Extending 4<sup>th</sup> Street towards the waterfront and making street improvements along 26<sup>th</sup> Avenue will add 28,225 square feet of publicly accessible circulation and open space area.

The waterfront esplanade is conceived as a large crescent that reflects the natural form of Pot Cove and will provide expansive East River views. The waterfront walkway has been designed to meet the goals of re-connecting the City to the water, establishing a connecting segment of the Queens East River and North Shore Greenway as highlighted in Vision 2020: New York City Comprehensive Waterfront Plan, and activating this portion of the waterfront with new active and passive recreational opportunities for the community. Its programmatic elements include a bi-level esplanade, a “Get Down” so visitors can ‘touch’ the water, several overlooks, extensive seating areas, and a child’s play area.

The bi-level esplanade is designed to follow the curvature of the existing waterfront and rip-rap. Trees, such as Swamp white oak and Chinkapin oak, are planned to line the esplanade and provide a formal structure to the landscape. Curved seating areas will be regularly spaced along the esplanade and pathways will connect the two levels. The understory planting palette is expected to consist of native maritime grassland and scrublands species. At the terminus of the 4<sup>th</sup> Street extension, a series of seating steps, the Get Down, will provide a seating overlook to the unobstructed views of RFK Bridge, Hell Gate Bridge and Randall's Island. At the western end of the esplanade, a child's play area will be programmed with play equipment, water spray, seating areas, and plantings.

### *Affordable Housing*

The proposed project includes a mandatory Inclusionary Housing requirement through the proposed establishment of an Inclusionary Housing designated area in the proposed R7-3, R7A and R6B zoning districts and a related zoning text amendment. Redevelopment of the R7-3, R7A and R6B portion of the site will no longer be allowed to use the optional base floor area ratios (FAR's) of 3.75, 3.45 and 2.00, respectively. The project would be eligible to build to the maximum permitted FAR's of 5.00, 4.60 and 2.20, respectively, but only if at least 20 to 30 percent of the total residential floor area generated in these districts, exclusive of ground floor non-residential space or a school, is used for housing permanently affordable to low-, moderate-, or middle-income households. The amount of affordable housing required would depend on the income levels targeted, with a minimum of 20 percent required if units are provided to low-income households (at or below 80 percent of Area Median Income). Twenty percent of the proposed waterfront and upland residential floor area measures 329,538 square feet, producing a minimum of 345 units. In addition, the applicant has proposed that the affordable units would be provided without public subsidy. While the existing Inclusionary Housing program does allow the use of subsidies, the proposed modified zoning text amendment (N 140329 (A) ZRQ) provides that the Chairman, in consultation with the New York City Department of Housing Preservation and Development (HPD), may determine that, based on information available at the time of development, some or all of any units supported by public funding may not be used to

satisfy the Inclusionary Housing requirement. This provision will support the efficient use of affordable housing subsidies.

### Phasing

The project will be built in four phases, starting with the two Phase 1 buildings on the upland lot, followed by a sequence of three more phases of one building each that will proceed westward along the waterfront lot beginning at 9th Street. Each building would be built independently, with little overlap in construction periods for successive buildings. For each phase, a proportionate amount of affordable housing consisting of at least 20 percent of the building's floor area, exclusive of ground floor non-residential space or a school, will be provided in each phase of the project. The three phases along the waterfront will also be accompanied by the construction of requisite portions of the publicly-accessible waterfront esplanade. The project is anticipated to be completed by 2023.

### **Requested Actions**

In order to facilitate the proposed project, the applicant requests the following actions:

#### Zoning Map Amendment (C 140322 ZMQ)

The applicant proposes to amend the Zoning Map to change the zoning for the portion of the project site located in the M1-1 District to an R7-3 District with a C2-4 overlay; change a part of the project site in the existing R6 District to an R7A District with a C2-4 overlay; and change a part of the R6 District to an R6B District. The proposed Zoning Map amendment would facilitate the development of mixed residential and local retail uses in the project site which are not permitted by the existing M1-1 and R6 zoning.

The zoning change from M1-1 to R7-3 would permit Use Groups 1 through 4, which include residences and community facilities. The proposed R7-3, R7A and R6B zoning, together with the extension of the Zoning Resolution's Inclusionary Housing Program to this part of the project site, as part of the related modified zoning text change (N 140329 (A) ZRQ), will mandate the

provision of affordable housing. Development within the proposed R7-3, R7A and R6B zoning district must use the maximum FAR's of 5.0, 4.60 and 2.20, respectively, to provide affordable housing for 20 percent of the project's floor area, excluding ground floor retail space and school area. Without affordable housing provided, no residential uses would be allowed. The height of building base portions within the proposed R7-3 District would be limited to 65 feet, and the allowable heights for the tower portions would be set at 185 feet above which setbacks would be required on all sides before rising to a maximum height of 225 feet. Parking would be required for 50 percent of the residential units. The maximum FAR for community facility uses within the R7-3 District is 4.8.

The proposed R7A zoning would encompass the portion of the site along the south side of 26<sup>th</sup> Avenue to a depth of 100 feet. Proposed as part of the Inclusionary Housing designated area, the proposed R7A allows a maximum FAR of 4.60 for residential uses and 4.0 for community facilities. Maximum building height is 80 feet with a minimum street wall height of 40 and a maximum street wall height of 65 feet. Maximum lot coverage for a corner lot is 80 percent and 65 percent for an interior lot portion of a zoning lot. Parking is required for 50 percent of dwelling units.

The proposed R6B zoning would be mapped in the interior upland portion of the project site immediately to the south of the proposed R7A district. It is also proposed to be included in the Inclusionary Housing designated area, and would permit a maximum residential FAR of 2.20 for residential uses and 2.0 for community facility uses. The maximum allowable building height is 50 feet, with a minimum street wall height of 30 feet and a maximum street wall height of 40 feet. Maximum lot coverage for a corner lot is 80 percent and 60 percent for an interior lot portion of a zoning lot. Parking is required for 50 percent of dwelling units.

The C2-4 overlay that is proposed for the entire portion of the project site to be rezoned to R7-3 and R7A would permit a broad range of local ground floor commercial uses, such as retail uses and restaurants that are expected to serve the development's residents and the surrounding community. The maximum FAR for commercial uses is 2.0.

### Zoning Text Amendment (N 140329 (A) ZRQ)

Several zoning text amendments are proposed to facilitate the proposed development. A zoning text amendment is proposed to establish within Appendix F of the Zoning Resolution an Inclusionary Housing designated area encompassing the proposed development R7-3, R7A and R6B districts. In addition, amendments to Section 23-953 and 74-743 would modify the Inclusionary Housing program to require affordable housing as a condition of residential development within this designated area, and to establish that procedures may limit the use of public subsidies for the development of required affordable housing.

The Inclusionary Housing Program is used to promote economically balanced neighborhoods in areas where substantial new housing development is anticipated. The proposed text amendment would promote the provision of permanently affordable housing for low-, moderate-, or middle-income households based on provisions of the existing Inclusionary Housing program, but would require this as a condition of residential development, rather than encourage it through a floor-area incentive. The proposed text would allow the provision for affordable housing to “tiers” of low-, moderate-, and middle-income households. As set by U.S. Department of Housing and Urban Development (HUD), low-income households cannot have annual incomes exceeding 80 percent of the Area Median Income (AMI), which amounts to a maximum of approximately \$67,120 for a four-person household. Moderate-income households cannot have annual incomes exceeding 120 percent of the AMI, which amounts to a maximum of approximately \$100,680 for a four-person household. And middle-income households cannot have annual incomes exceeding 165 percent of the AMI, which amounts to a maximum of approximately \$138,485 for a four-person household. Simply put, under the proposed text amendment and large-scale development special permit, the applicant must provide affordable housing; otherwise, no residential development would be allowed in the large-scale general development area.

### Special Permit to modify bulk regulations within a Large-Scale General Development (C 140323 (A) ZSQ)

The requested Large-Scale General Development (LSGD) special permit would allow for the distribution of floor area without regard for zoning lot lines, authorize a reduction in the distance between buildings, waive the minimum distance between legally required windows and walls or lot lines, allow encroachment at rear yards and extend the term of the special permits from four to 10 years to allow for the longer time period that may be required for the substantial construction of the proposed multi-building phased construction program. These allowances would facilitate in creating a site plan and a project design that takes opportunities of the site's unique waterfront location. The proposed site plan creates new view corridors and public connections to the waterfront, thereby connecting the neighborhood to the proposed waterfront esplanade. The restrictive declaration would require that the applicant return to the City Planning Commission for approval of any significant deviation from the project specified in this special permit. The applicant proposes waivers of the following sections of the Zoning Resolution:

*a) Transfer of floor area:* Pursuant to Section 74-743(a)(1), the applicant proposes to transfer 100,753 square feet of floor area from the upland parcel to the waterfront parcel. As such, 1,566,353 square feet of floor area will be developed on the Waterfront Zoning Lot; and 195,997 square feet of floor area will be developed on the Upland Zoning Lot, including the proposed pre-K – 5<sup>th</sup> grade public school.

*b) Reduce distance between Building 2 and Building 3 and waive courtyard requirements for Building 1, 2, 3:* Pursuant to Section 74-743(a)(2), the special permit will authorize a reduction of 10 feet in distance between Building 2 and Building 3, located on the Waterfront Zoning Lot. Section 23-711 provides for a minimum 60-foot distance between buildings when buildings rise above a base plane height of 50 feet. The base heights of Building 2 and Building 3 measure 60 feet. The waiver seeks to authorize a 10-foot encroachment (five feet for each respective building) within the 60-foot wide required distance between the building base portions. In addition, Pursuant to Section 74-743(a)(2), the special permit will authorize non-complying courtyards for Buildings 1, 2, and 3. Section 23-851 requires a minimum dimension of 30 feet within inner courts. A portion of Building 1's inner court proposes a

dimension of 7 feet, a portion of Building 2's inner court proposes a dimension at 13 feet and a portion of Building 3's inner court measures 25 feet.

*c) Reduce distance between windows and lot line:* Pursuant to Section 74-743(a)(6), a waiver is requested of the minimum distance between legally-required windows and walls or lot lines. Sections 23-861 and 23-863 require a minimum distance of 30 feet between legal windows and a lot line. A five-foot sliver of the southwestern portion of Building 5, located on the Upland Zoning Lot, is within 30 feet of western property line.

*d) Allow encroachment at rear yards at Buildings 4 and 5:* Pursuant to Section 23-47, the proposed special permit requests a waiver of the rear yard to encroach within a portion of the required 30-foot rear lot line.

*e) Extend the vesting term of the special permit from 4 to 10 years:* Pursuant to Section 11-42(c), the proposed special permit requests extending the term of the special permits from 4 to 10 years to allow for the longer time period that may be required for the substantial construction of the proposed multi-building phased construction program.

#### Special Permit: Special Regulations Applying in the Waterfront (C 140324 (A) ZSQ)

The applicant is seeking approval of a special permit pursuant to Zoning Resolution Section 62-836, which allows modifications in connection with height and setback, floor area coverage, tower footprint size, maximum width of walls facing shoreline, and minimum distance between buildings on the same zoning lot in order to facilitate an improved site plan that allows the proposed waterfront public access area to relate better to adjacent streets and the surrounding neighborhood. The applicant proposes waivers of the following sections of the Zoning Resolution:

*a) Decrease initial setback distance:* Pursuant to Sections 62-341(a)(2) and 62-341(d)(2)(i), decrease initial setback distance required to range from a 15 to 30 feet distance to 10 feet at Building 1, 2, 3, 4 and 5.

*b) Increase base heights:* Pursuant to Sections 62-341(c)(1) and 62-341(d)(2), increase the maximum base height of 65 feet to a range of 82 feet to 102 feet at Buildings 1,2 and 3. Increase maximum building height of 40 feet in an R6B District to 60 feet. Lastly, increase the proposed school's base height of 65 feet to 90 feet.

*c) Increase building height:* Pursuant to Sections 62-341(c)(2) and 62-341(d)(1), increase the maximum height of 185 feet to 312 feet, 320 feet and 262 feet at Buildings 1, 2 and 3, respectively. Increase maximum allowable height of 50 feet to a range of 60 feet to 80 feet at Building 4 and portion of Building 5. Lastly, increase proposed school's building height of 80 feet to 90 feet.

*d) Increase tower size:* Pursuant to Section 62-341(c)(4), increase maximum permitted residential tower floor plate size of 8,100 square feet to range from 9,106 square feet to 14,695 square feet at Buildings 1, 2, 3, 4 and 5.

*e) Increase maximum width of walls facing the shoreline:* Pursuant to Section 62-341(c)(5), increase the allowable width of walls facing the shoreline above the base height on waterfront blocks of 100 feet to range between 222 feet 6 inches and 357 feet 5 inches at Buildings 1, 2, and 3.

#### Waterfront Authorizations (N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ)

##### Waterfront Authorization (N 140325 ZAQ)

The applicant requests an authorization to allow for modification of certain requirements related to the location, area and minimum dimensions of waterfront public access areas. The applicant proposes waivers of the following sections of the Zoning Resolution:

*a) Width-to-depth ratio configuration of supplemental public access areas:* Pursuant to Section 62-571(a), zoning requires that supplemental public access areas have a width to



depth ratio ranging between 1:1 and 3:1. The proposed supplemental public access area “1” will have a width to depth ratio that ranges between 1:37 to 1:5.26 and reflects the long and narrow shape of the shoreline’s topography.

*b) Width of supplemental public access area:* Pursuant to Section 62-571(b), zoning requires that supplemental public access areas have a minimum width requirement of 10 feet adjoining the shore public walkway. The proposed shore public walkway “3” will have a supplemental public access area where the width ranges from less than 1 foot to 8 feet.

#### Waterfront Authorization (N 140326 ZAQ)

The applicant requests an authorization to allow for modification of design requirements for waterfront public access areas provided the Commission finds that the modifications are related to relief granted under Zoning Resolution Section 62-822(a) or that the proposed Waterfront Public Access Area (WPAA) design is “functionally equivalent or superior” to compliant design. The following waivers are requested:

*a) Circulation path clearance:* Pursuant to Section 62-62(a)(2), zoning requires that at least one circulation path have a minimum clearance width of 6 feet throughout the supplemental public access area. The proposed development includes more than one continuous circulation path; however, the paths are not located continuously within the supplemental public access area (SPAA). The narrow depth of the public access area (PAA) prohibits the continuous path within the SPAA.

*b) Planting:* Pursuant to Section 62-62(c)(1), zoning requires that at least 50 percent of the area of the shore public walkway and supplemental public access area be planted. The project will not achieve this planting ratio due to the inclusion of Crescent Drive, which is predominately cobblestone paving within the supplemental public access area. The applicant proposes to lushly plant the public walkways and introduce varied native planting types to facilitate the project’s transition from the upland portion of the site to the water’s edge.

c) *Bicycle parking*: Pursuant to Section 62-62(d), zoning requires four bicycle parking spaces within the shore public walkway and supplemental public access area. In addition, if the combined area of the shore public walkway and the supplemental public access area exceeds 8,000 square feet, two additional parking spaces are required for every 2,000 square feet of area constituting the shore public walkway and supplemental public access area. Therefore, a minimum of 37 bicycle parking spaces are required within the waterfront public access area. Because of the narrow topography, the applicant proposes to relocate 40 bicycle parking spaces adjacent to the shore public walkway in a publicly accessible area and provides an additional 20 bicycle parking spaces on 4th Street and eight additional spaces along 9th Street.

d) *Circulation and access for upland connections*: Pursuant to Section 62-64(a), zoning requires that the upland connection provide a minimum clearance width of 12 feet linking an open street with the shore public walkway. While the proposed upland connection “2,” along the 8<sup>th</sup> Street Mews, complies, upland connection “1,” at the end of 4<sup>th</sup> Street, has widths that range between 9 feet 8 inches and 15 feet.

e) *Paving for upland connections*: Pursuant to Section 62-64(b), zoning requires that at least 40 percent, but not more than 65 percent of the entry area of a “Type 1” upland connection may be paved. The entry area of upland connection “1” is entirely paved and the entry area of upland connection “2” is 87 percent paved.

f) *Planting for upland connections*: Pursuant to Section 62-64(c), zoning requires that the “Type 1” upland connection have a minimum area of 40 percent planted in accordance with Section 62-655. The proposed upland connection “1” is not planted and upland connection “2” consists of 31 percent planted area.

g) *Trash receptacles locations at upland connections*: Pursuant to Section 62-64(e), zoning requires the placement of one trash receptacle within 15 feet of a street and one trash receptacle at the intersection of the shore public walkway and supplemental public access

area. The applicant proposes to relocate these receptacles away from the intersection of the circulation path and provide four additional receptacles.

*h) Seating:* Pursuant to Section 62-652(e)(1), zoning requires design feature seating to total a maximum of 25 percent of the required linear seating within the waterfront public access area. The proposed development includes nearly 300 linear feet of design feature seating within the waterfront public access area, exceeding the 150 linear feet permitted. The “Get Down” design treatment at the end of 4<sup>th</sup> Street is considered both a walkway and seating area and was included in the calculations.

*i) Tables:* Pursuant to Section 62-652(f), zoning requires a minimum of 2 square feet of tables for every 3 linear feet of social seating. 150 square feet of tables are required to be provided. However, the applicant proposed 42 square feet of tables within the waterfront public access area.

#### Waterfront Authorization (N 140327 ZAQ)

The applicant requests this authorization which would allow for a waterfront public access area (WPAA) to be built out in phases in conjunction with a phased development project. Without this approval, the entire required WPAA on the zoning lot would need to be provided before certificates of occupancy could be obtained for the first phase of development. The Commission must find that, at each phase, the proportion of the WPAA provided on the zoning lot is equal to or greater than the proportion of lot area built out to date.

The applicant proposes three WPAA phases related to Building 1, 2, and 3 to be improved on the zoning lot. The phases would proceed from east to west, beginning with Building 3 and ending with Building 1. WPAA Phase 1 represents 43 percent of the lot area of the phased lot area. WPAA Phase 2 is located at the center of the waterfront zoning lot and represents 59 percent (cumulative) of the phased lot area. At the conclusion of WPAA Phase 3, a total of 55,621 square feet of waterfront public access area will be developed.

Certification by the Chairperson of the City Planning Commission (N 140328 ZCQ)

The proposed development requires a certification by the Chairperson of the City Planning Commission pursuant to Sections 62-811(b) and 62-811(d) that waterfront public access area and visual corridors are provided by the project, as modified by the authorizations above.

City Map Amendment (C 140384 MMQ)

The applicant requests a City Map amendment to facilitate the proposed development's site plan. The proposed City Map amendment will establish a new segment of 4th Street, extending diagonally from 26th Avenue to the waterfront esplanade (proposed as part of the zoning actions) and; eliminate 8th Street from 27th Avenue to the U.S. Pierhead and Bulkhead line.

The subject portion of 8th Street proposed to be eliminated is unimproved, mapped to a width of 50 feet and approximately 880 feet long. It extends through portions of four tax blocks (Blocks 906, 907, 908 and 909). The street area to be eliminated comprises a total of 42,214 square feet, all of which is privately-owned. The area affected between 27<sup>th</sup> Avenue and 26<sup>th</sup> Avenue is very steep and currently occupied by vacant land owned by the applicant and a parking lot for the adjacent Goodwill Terrace Apartments (Block 908, Lot 1). The area affected between 26<sup>th</sup> Avenue and the East River Shoreline is currently occupied by light industrial low-rise buildings owned by the applicant. In the future, the area within the 8th Street section, proposed to be eliminated, that extends between 27th Avenue and the waterfront esplanade, would be improved by the applicant as a landscaped public open space providing a pedestrian connection to the waterfront public access area and would not be open to vehicular traffic. It should be noted that the parking lot for the adjacent Goodwill Terrace Apartments within the 8th Street, de-mapped but not under the ownership of the applicant, would remain after the proposed action.

4th Street is proposed to be established from 26th Avenue to a point 438.62 feet northeasterly, measured along the westerly street line and terminating at the waterfront public access area. The proposed street would be mapped to a width of 60 feet, including a 34-foot travel way and two

13-foot sidewalks. The total area to be mapped as 4th Street is approximately 25,106 sf. The newly established street segment would be improved by the applicant and ceded to the City. It will operate as a one-way northbound roadway and would be maintained by the Department of Transportation.

A private drive, Crescent Drive, is proposed to be constructed as part of the public access areas, adjacent and parallel to the waterfront public access area (WPAA), and would operate as a one-way, eastbound drive which will provide the public with a connection between the newly established 4<sup>th</sup> Street and existing 9<sup>th</sup> Street. These public access areas will be built pursuant to zoning and specified as part of the related zoning actions.

In addition to the actions delineated above that required the approval of the City Planning Commission and certification by the Chairperson, there are actions required by other agencies, not part of this application. These include permits from the NYSDEC and US Army Corps of Engineers to allow for two new stormwater outfalls, pollutant discharge elimination system during construction and approval of development of the waterfront esplanade that is within the wetlands adjacent area regulated by DEC.

## **ENVIRONMENTAL REVIEW**

This application (C 140323 (A) ZSQ), in conjunction with the applications for the related actions (C 140322 ZMQ, N 140329 (A) ZRQ, C 140324 (A) ZSQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ, C 130384 MMQ, C 140323 ZSQ, N 140329 ZRQ and C 140324 ZSQ), 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 13DCP127Q. The lead is the City Planning Commission.

It was determined that the proposed actions (the “Proposed Action”) may have a significant effect on the environment and that an environment impact statement would be required. A Positive Declaration was issued on April 26, 2013, and distributed, published and filed, and the

applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for a DEIS was issued on April 26, 2013. A public scoping meeting was held on the Draft Scope of Work on May 28, 2013, and comments were accepted by the lead agency through June 7, 2013. A Final Scope of Work for a DEIS, reflecting the comments made during the scoping, was issued on April 18, 2014.

The applicant prepared a DEIS, and a Notice of Completion for the DEIS was issued on April 18, 2014. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on August 6, 2014, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on September 19, 2014.

Significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations on the as specified below.

The text of the hazardous materials (E) designations (E-343) for the project site (Block 906, Lots 1 and 5, Block 907, Lots 1 and 8, Block 908, Lot 12, and Block 909, Lot 35) would be as follows:

Task 1: Sampling Protocol

Prior to construction, the Applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated for the test results, a proposed remedial action plan (RAP) must be submitted by OER for review and approval. The Applicant must complete such

remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

The text of the air quality (E) designations (E-343) for the project site (blocks and lots as identified below) would be as follows:

Building 1: Block 907, Lots 8 and p/o 1: Any new residential and/or commercial development on the above-referenced properties must use natural gas with low NOx boilers and flue recirculation for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 298 feet high and at least 228 feet from 4th Street to avoid any potential significant adverse air quality impacts.

Building 2: Block 907, Lots 1 and p/o 8: Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 323 feet high to avoid any potential significant adverse air quality impacts.

Building 3: Block 906, Lots 1 and 5: Any new residential and/or commercial development on the above-referenced properties must use natural gas with low NOx boilers and flue recirculation for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 282 feet high and is at least 139 feet from 9th Street and 177 feet from 26<sup>th</sup> Avenue to avoid any potential significant adverse air quality impacts.

Building 4: Block 909, Lot 35: Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 83 feet high and at least 27 feet from t 26th Avenue and 278 feet from 9th Street to avoid any potential significant adverse air quality impacts.

Building 5 (Residential): Block 908, Lot 12: Any new residential and/or commercial development on the above-referenced properties must use natural gas with low NOx boilers and flue recirculation for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at least 70 feet high and at least 162 feet from 9th Street and 140 feet from 26<sup>th</sup> Avenue to avoid any potential significant adverse air quality impacts.

Building 5 (School): Block 908, Lot 12: Any new residential, commercial, and/or institutional development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 93 feet high to avoid any potential significant adverse air quality impacts.

The FEIS, under the Proposed Action, identified significant adverse impacts with regard to community facilities (child care, elementary schools), open space (active), transportation (transit [subway/bus], traffic), and construction (transportation). In addition, the FEIS analyzed modifications to the Proposed Action (ULURP Nos. C 140323 (A) ZSQ, C 140324 (A) ZSQ, and N 140329 (A) ZRQ) in Chapter 25, “Potential Modifications to the Proposed Project,” of the FEIS. The modifications (the “Modified Action”) would result in the same significant adverse impacts as the Proposed Action. Furthermore, the impacts would be mitigated to the same extent as under the Proposed Action. The (E) designation identified for the Proposed Action would require a minor modification under the Modified Action. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described in the Executive Summary of the FEIS, a copy of which is annexed hereto and incorporated herein as Exhibit B, and are summarized below.

*Community Facilities – Child Care:* The Modified Action would result in need to provide 26 child care slots in coordination with ACS in comparison to the 21 slots necessary under the Proposed Action. As the Modified Action would redistribute the affordable residential units throughout the entirety of the project site, rather than just the waterfront parcel as under the Proposed Action, the Modified Action would trigger the identified child care impact earlier in the proposed project’s development. It would occur upon completion of Building 3 in the second phase of the proposed project’s construction under the Modified Action versus upon completion and occupancy of Building 2 in the third phase for the Proposed Action.

*Community Facilities – Elementary Schools:* Both the Proposed Action and the Modified Action could result in a temporary significant adverse public school impact as the proposed elementary school, which is contemplated for purposes of the environmental review in the final phase (i.e., Phase 4) of the proposed project’s development. To mitigate this temporary impact, the proposed school would need to be constructed prior to completion and occupancy of Building 2 (Phase 3).

*Active Open Space:* As the proposed project’s construction program would not change under the Modified Action, the timing of the active open space impact would similarly occur upon completion and occupancy of Building 2 (Phase 3). The measures to partially mitigate the active open space impacts under both the Proposed Action and the Modified Action would consist of upgrading or replacing adult fitness equipment and constructing a comfort station at Whitey Ford Field.

*Transportation - Transit:* The Modified Action, as under the Proposed Action, would result in potential significant adverse subway impacts at the 30th Avenue Station’s northwest street stair in the weekday PM peak period and at the southbound fare array in the weekday AM peak period. In consideration of the feasibility and practicality of potential mitigation measures, it was determined that these impacts could be mitigated by



relocating the project's proposed N/Q-line shuttle stop from the 30th Avenue Station to the Astoria Boulevard Station. Potential significant adverse bus line haul impacts on the Q103 bus route are anticipated under both the Proposed Action and the Modified Action. While NYCT and MTA Bus Company routinely monitor changes in bus ridership and would make the necessary service adjustments where warranted, these service adjustments are subject to the agencies' fiscal and operational constraints and, if implemented, are expected to take place over time.

*Transportation - Traffic:* The Modified Action would slightly worsen traffic conditions at some intersections where significant adverse impacts were identified and mitigation was proposed for the Proposed Action. The mitigation measures would be the same as under the Proposed Action, with minor changes in signal timing at the proposed new signal at 27th Avenue and 9th Street in the weekday PM peak period. As the proposed project modifications would only increase the total floor area of Building 1, which would be constructed in the final phase of the project's construction, the mitigation implementation timing would not change. The new traffic signal at the intersection of 27th Avenue and 9th Street would be implemented with build-out of 26th Avenue west of 9th Street (i.e., completion and occupancy of Building 4/5 in the first phase). The remainder of the traffic mitigation measures would potentially be required prior to full build-out of the proposed project upon completion and occupancy of Building 3 in the second phase. To verify the timing of the various mitigation measures, a traffic monitoring plan (TMP) would be conducted upon completion and occupancy of Building 3 and upon completion and occupancy of Building 1 (i.e., full build-out of proposed project).

*Construction-related Traffic:* Vehicle trips during the proposed modified project's peak construction period are expected to result in significant adverse impacts at three of the five intersections analyzed for potential construction traffic-related impacts. All other study area intersections where significant adverse operational traffic impacts are anticipated, similar or lesser impacts are anticipated during the construction traffic peak period. Early implementation of the same mitigation measures as those proposed to mitigate operational vehicular traffic impacts would address the construction-related impacts.

*(E) Designations:* The Proposed Action, as with the Modified Action, would have (E) designations for both hazardous material and air quality. With the Modified Action, the hazardous material (E) designation and air quality (E) designations for four of the five buildings would be the same as for the Proposed Action. Building 1 under the Modified Action would still require the same restriction on fuel type and boiler as under the Proposed Action; however, the stack location and height restrictions would differ under the Modified Action. Therefore, the text of the air quality (E) designation (E-343) for Building 1 would be as follows:

Building 1: Block 907, Lots 8 and p/o 1: Any new residential and/or commercial development on the above-referenced properties must use natural gas with low NOx boilers and flue recirculation for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 318 feet high and at least 228 feet from 4th Street to avoid any potential significant adverse air quality impacts.

A Technical Memorandum reflecting the Commission's modifications discussed herein was issued on September 26, 2014. The Technical Memorandum concludes that these modifications would not have any new or different significant adverse impacts than those identified in the FEIS for the Modified Action.

## **UNIFORM LAND USE REVIEW**

The original application (C 140323 ZSQ), in conjunction with the applications for the related actions (C 140322 ZMQ, C 140324 ZSQ and C 130384 MMQ), was certified as complete by the Department of City Planning on April 21, 2014, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the applications for non-ULURP actions (N 140329 ZRQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ and N 140328 ZCQ) which were referred for review and comment.

On July 8, 2014, the modified application (C 140323 (A) ZMQ), in conjunction with the modified applications for the related actions (C 140324 (A) ZSQ and N 140329 (A) ZRQ), was referred to Community Board 1 and the Borough President pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on June 10, 2014 on the original application (C 140323 ZSQ) and on June 17, 2014, by a vote of 44 to 0 with no abstentions, adopted a resolution recommending disapproval with conditions of the application. The Community Board's recommendation was subject to the following comments and conditions:

#### Affordable Units

The Astoria Cove Project is proposed to be located in an area where affordable housing is critical to a good quality of life for many of the area's residents. Public hearing testimony reflected residents' displacement concerns because of accelerated redevelopment and gentrification in Old Astoria.

Displacement of existing tenants in the area's privately held buildings is a very real issue because of the quick succession of new and proposed development projects in Pot Cove. During the next ten years the community will deal with physical and socio-economic impacts from the Hallett's Point project approved last October (2,644 units), the Astoria Cove Project currently under review (1,689 units) and a third large-scale development adjacent to Astoria Cove, number of units unknown at present, that is anticipated for review by the Community Board next year. Allowing 1,689 new dwelling units in the neighborhood with only 295 or 17% of the units designated affordable under the Inclusionary Housing Program is distressingly inadequate to mitigate the socio-economic impacts of the project. More important is the absence of a real public benefit to the community, besides a landscaped Mews, in the early phasing of the Project. No affordable units are planned in Phase 1. Provision must be made within this and future projects for an economically diverse population that reflects Astoria's population.

The Applicant informed the Zoning Committee and stated at the public hearing that discussions are underway with the Department of City Planning to increase the number of affordable units in Astoria Cove, but did not provide a new number of units. Additionally, because the Project design is in its massing stage, apartment distribution was not defined and it has not yet been determined whether the Project will be rental or condominium or a combination.

- 1) The total percentage of affordable units in this development should be increased from 20% to 35% of the bonus floor area;
- 2) The affordable units should accommodate low, moderate and middle-income individuals and families;
- 3) The affordable units must be permanently affordable throughout the life of the Project;
- 4) Affordable units must be located in all five buildings in the Project;
- 5) The Zoning Text Amendment (N 140329 ZRQ) that designates Inclusionary Housing Program areas must be amended to include the entire Astoria Cove Site to allow affordable units in all five proposed buildings;
- 6) Affordable units should be provided in each construction phase, including Phase 1 where the number of affordable units should equal 15% of the residential floor area of those buildings;
- 7) Residents of the affordable units must have access to the same building amenities as residents of market rate units;
- 8) The owner/management of Astoria Cove should work with local community groups and Community Board 1 to provide CBIQ residents selection priority in 50% of the designated affordable units;
- 9) All affordable units generated by this project should be located within the Astoria Cove project buildings and not constructed outside the defined General Large Scale Development area identified in these ULURP applications;
- 10) If buildings are designated for condominium status, affordable units should be reserved for sale to middle-income residents.

### Project Design and Sustainability

Comments on the design of the Project are limited since the proposed buildings are now only a series of conceptual massings.

#### Project Design:

- 1) Quality Housing Program design requirements should apply to all buildings in the Project regardless of applicable zoning district;
- 2) Both market-rate and affordable 2-bedroom apartments should be included in all buildings to accommodate family households;
- 3) The applicant should meet at regular intervals with the CBI Zoning Committee to present the project's building designs as they progress. The applicant should also present the final designs to the Community Board for information purposes before filing with DOB for building permits;
- 4) CBI should review and comment on any changes to the General Large Scale Development Plan, including minor modifications;
- 5) No on-street parking should be permitted on the narrow vehicular roadway adjacent to the waterfront esplanade between 4th and 9th Streets in order to keep all waterfront views towards the Hellsgate and Triborough Bridges unobstructed for pedestrians.

#### Sustainability:

- 1) Mindful of the impact a project of this magnitude can have on the environment, the Astoria Cove development team should strive to exceed LEED gold standards by incorporating innovative sustainable techniques into the design of all buildings.
- 2) Design elements that increase energy efficiency and reduce the project's carbon footprint should be incorporated into the design of the buildings and open spaces throughout the development.
- 3) Measures should be taken to protect building mechanicals and fuel storage from storm surges and flood risks.

### Parking/Traffic/Transportation

The geography of the peninsula is very often referred to as isolated and contained. It has an extremely limited street infrastructure and mass transit which is limited to bus service or the elevated subway located beyond walking distance. As a result, CBIQ is concerned that the Project will adversely affect traffic circulation on the peninsula and in Old Astoria and that proposed parking is insufficient to meet the anticipated demand of the residential and commercial uses as well as visitors to the area's waterfront activities.

The Applicant's proposal for shuttle buses to the elevated subway is limited to new residents and will exacerbate traffic congestion on the area's strained street system. All proposed accessory parking would be attended or valet parking and is not allocated for commercial or residential uses; on-street parking is negligible due to the existing limited street system. CBIQ is concerned that the attended

parking approach is not a workable solution to what will be a significant adverse impact to the community both in practicality and cost to new residents and those who visit the area for its proposed amenities.

With more than 4,000 new apartments approved or in the pipeline for the Halletts Cove peninsula during the next decade with approximately 8,900 new residents, other alternative modes of transportation such as ferry service must be put into operation in the early stages of the area's redevelopment.

**Parking:**

- 1) The number of on-site parking spaces should be increased to at least 1.5 spaces per dwelling unit, similar to adjacent Shore Towers, to adequately serve all uses in the Project;
- 2) Accessory parking spaces should be dedicated specifically for the residential, commercial and retail, components of the Project;
- 3) One-third of the accessory parking spaces should be allocated as self-park spaces for visitors/shoppers to the project area;
- 4) Accessory parking should be provided for the community facility and school components of the Project when designed and constructed;
- 5) With the designation by NYCEDC of Pot Cove as a future Ferry Terminal, Special Permit, applications should be filed for additional parking that will be required for this use.

**Traffic:**

- 1) The developer and DOT should evaluate traffic circulation and parking impacts during construction and after completion of each construction phase and mitigate any impacts;
- 2) Building materials and supplies should be barged into the site in order to minimize impacts from construction traffic on the local streets.

**Transportation:**

- 1) The applicant should work with Lincoln Equities, developers of the nearby Halletts Point project, and NYCEDC to establish ferry service between Pot Cove and Manhattan so that it would be operational by the time the developments are occupied;
- 2) An evacuation route must be established for the Halletts Cove peninsula with designated routes and signage that identifies staging and destination areas.

**Open Space/Recreational Needs**

In the Halletts Cove community approximately 25% of the population is comprised of children and teenagers who need active recreational facilities. While the open space needs of the area's residents are served by Astoria Park and facilities under the Triborough Bridge, these facilities are already highly utilized, in need of maintenance and improvements and have limited hours of operation. In addition to the open, mostly passive recreational areas currently proposed by the Applicant at the end of the construction phases, the need for new recreational

facilities for the current and future residents in the Halletts Cove area is an absolute necessity and should be realized in the early phases of the Project.

**Waterfront Public Access Area:**

1) Portions of the waterfront esplanade (i.e. the proposed 9th Street turn-around with access to the waterfront) should be constructed in Phase 1 to benefit the existing community.

**Play Area:**

- 1) The Applicant and Department of Parks and Recreation should consult with CBI before determining any receiving sites for improvements or monetary contributions as part of the Project's mitigation of open space impacts;
- 2) The play area proposed in the Waterfront Public Access Area should be relocated to a more central and accessible site and should be of sufficient size to meet the recreational needs of a wide range of age groups with age-appropriate equipment;
- 3) All open spaces shall have adequate lighting, security gates and be accessible to the public for a sufficient number of hours every day;
- 4) Responsibility for construction and maintenance costs for all open spaces must be identified and memorialized.

Community Facilities

With three fully utilized Head Start programs in the Halletts Cove area, the program will require additional space for new residents from the Astoria Cove development. Additional enclosed recreational facilities are needed to accommodate current and future residents.

**Youth Center:**

- 1) The applicant should set aside a portion of the Project's designated commercial space to be occupied by early childhood programs;
- 2) CB1Q supports construction of a new recreational facility such as a YMCA or Boys and Girls Club for the area's older youth and adults and open to the public.

**Medical:**

- 1) There is a critical deficiency of medical facilities in the project area. CB1Q encourages the Applicant to actively seek a hospital user such as Mt. Sinai or NY Hospital Queens to establish a satellite medical facility within the project's commercial square footage.

School

School utilization rates in the immediate vicinity of the Project will exceed capacity with construction of Astoria Cove. Just beyond the impact area of this Project, schools are already operating above 100% utilization. In a Memorandum of Understanding dated April 17, 2014 between the developer and the SCA,

successful conveyance of the site depends on i) the SCA exercising its option to construct the school; ii) the inclusion of development funds in SCA's Five Year Capital Plan and/or iii) SCA's timely response to the option to purchase the site for \$1.00. CBI believes that no option to relieve developers of mitigating school impacts should be a part of approving this or future developments. To serve the existing and future community in Halletts Cove and to relieve overcrowding in the western part of School District 30, the school must be constructed.

- 1) CBIQ adamantly insists that the construction of the school is mandatory as part of this Project;
- 2) The proposed school facility should be constructed early in the construction phasing to avoid overutilization of the area's local schools;
- 3) Prior to construction of the school, the proposed school site should be temporarily used for community recreational purposes;
- 4) The new school facility should include designated for recreational purposes that would be open to all community residents;
- 5) The school facility should be designed to incorporate programmatic space for early childhood programs like Head Start;
- 6) The Restrictive Declaration for this Project should not permit the designated school site to revert to the Applicant for residential or commercial development in the future.

#### Commercial/Retail

With 84,470 SF of commercial and retail space proposed, concerns are raised about the potential traffic and noise impacts generated by sanitation trucks and vehicles servicing the commercial uses for deliveries.

- 1) A FRESH Food Supermarket with designated accessory parking shall be part of the commercial component of the Project;
- 2) Internal loading and service areas should be incorporated into the Project design to avoid onstreet traffic disruptions and congestion;
- 3) Internal loading and service areas should be sufficient to meet the needs of all commercial uses.

#### Jobs

Jobs for local residents and youth are of paramount importance in the community. The census tracts in the Old Astoria area currently have an estimated 10% unemployment rate among the area's civilian labor force. The proposed Astoria Cove development will generate job opportunities during all phases of construction and after project completion when the commercial and residential components are operational.

- 1) Priority should be given to local area residents and youth for a portion of construction jobs, as well as positions in local businesses, maintenance and security jobs in the new residential buildings once they are on line.

- 2) The developer should work with construction and building service trades to set aside apprenticeship positions for local residents that will ultimately lead to permanent employment.

#### Infrastructure Capacity/Energy Consumption

Much attention has recently been focused on the potential danger of the City's aged infrastructure and the accidents that can result with the underground gas and electric lines and storm and sanitary pipes. Con Edison recently began a program to assess the safety of its lines, especially in high-density residential areas. With power fluctuations are already a common occurrence in the adjacent Old Astoria area, the increased population resulting from both the Astoria Cove and Halletts Point projects will stress the area's aged infrastructure and could create unsafe conditions.

- 1) The applicant should initiate contact with Con Edison (gas and electricity) and NYCDEP (storm and sanitary sewers, outfalls) to assess the condition and capability of the area's infrastructure to handle the increased traffic and energy consumption needs;
- 2) The project should incorporate systems that are energy efficient into the design of the heating, ventilating and cooling systems in the project design.

#### **Borough President Recommendation**

This application (C 140323 (A) ZSQ), in conjunction with the related actions (C 140322 ZMQ, N 140329 (A) ZRQ, C 140324 (A) ZSQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ and C 130384 MMQ), was considered by the Borough President, who issued a recommendation on July 30, 2014 disapproving the application. The Board President's recommendation was subject to the following comments:

The Mayor, the Departments of City Planning and Housing Preservation and Development are effectively striving to shape and implement regulations that will result in the generation and preservation of enough affordable housing to meet the citywide goal of 200,000 affordable units. This is a very complex issue with many facets that must be identified, weighed and carefully reviewed. I note that the mandatory affordable housing of 20% without subsidy proposed by the City for this project is the first of projects to follow this policy. It is a critical first step towards the goal of creating and preserving 200,000 of affordable housing. The efforts of the Mayor and all agencies are greatly appreciated.

However, although the policy has great merit, because of the above consideration, I hereby recommend disapproval of this and the associated applications for the Astoria Cove Project for the following reasons:



- Community Concerns: The proposed redevelopment of the Astoria Cove site would revitalize an otherwise underutilized Queens waterfront. In addition to revitalization of the waterfront, the project proposes new housing as well as mandatory affordable housing for the first time, a school, a supermarket, services and retail opportunities, as well as jobs during construction and after in the stores and maintenance and operation of the buildings. However, in bringing hundreds of new residents into Astoria, the needs and concerns of the current existing residents, in particular the citywide shortage of much needed affordable housing, and the overall well being of the borough and New York City must also be addressed. At this time there are still outstanding issues with this project which must be meaningfully addressed by whichever entity implements and constructs this proposed project in the future;
- Traffic Impacts: The Draft Environmental Impact Statement has analyzed thirty (30) intersections in and around the proposed project. Analysis shows that fifteen (15) traffic impacted intersections along 27th Avenue, Astoria Boulevard, Vernon Boulevard, Hoyt Avenue and 30th Avenue would remain either Unmitigated or Partially Mitigated after possible mitigation measures are implemented. These intersections are impacted during the AM and PM peak hours. Traffic impacts would be particularly hard felt by the existing and new community because the project site is located at the northern portion of a peninsula that is serviced by a very limited street network for the entire area;
- Insufficient Mass Transit: Mass transit service for this area is already overburdened. Area residents report that the nearest subway station is operating above capacity. Potential measures to relieve the crowding at this station include added shuttle service to other stations, adding capacity or widening of the stairs, or adding more turnstiles. It is also reported by area residents that the existing bus service does not run frequently enough to meet current transportation needs. More frequent and additional bus service is needed for this area especially as there is new large scale development. As of this date there have been no commitments or funding made available to implement any of these measures;
- Ferry Service: In addition to bus and subway service, alternative services such as ferries must be considered to relieve the already congested roadway network. This is a waterfront site in an area with limited options in terms of providing additional roadways or other means of access. Therefore, ferries are an alternative transportation mode that would provide more service without further taxing the street network. New ferry service to Astoria could be part of a new commuter option with landings to service other New York City waterfront neighborhoods;
- More Affordable Housing: The proposed mandatory affordable housing for this project would be capped at 20% of residential development per the proposed zoning text amendment. However, even at the proposed levels of affordable housing within the AMI bands, there is still a severe shortage of housing within reach of many lower to middle income households throughout New York City. The projected rents for the proposed affordable housing would still be higher than

what current local Astoria residents, who will bear the brunt of the impacts of the proposed project, could afford to pay. The lack of affordable housing has a wide ranging impact as evidenced by the number of families and individuals forced into homelessness and the longer term effect of pricing long-time residents out of gentrifying neighborhoods. The project proposes 1723 total units. There should be a larger percentage of affordable units provided to help meet the need for such housing in this area. CB 1 recommended that there should be 35% affordable housing units;

- School Construction in the earliest phase: The proposed school should be constructed in the earliest phase to meet the existing need for more seats in School District 30 Sub district 3. The proposed school is scheduled to be built in the last phase of this project. The most recent analysis shows that some schools in the district are operating above capacity while the others are operating at high occupancy rates. The school should be built sooner to proactively assure that there are enough seats to meet current and future needs;
- Area Supermarket: The applicant has proposed a supermarket within the project. There must be assurances that the proposed supermarket will be first and foremost a food market that will provide the area with the highest quality fresh food, produce and prepared foods. There is a great need for such a supermarket because there are very few in the area. In addition to providing quality food to the neighborhood, the supermarket operator should also be willing to hire from the immediate area, pay a living wage with benefits and provide career path training for its workers;
- Skilled Labor: The proposed 1.762 million square feet project will only succeed if it is built by the most skilled and professional workers to assure the quality, durability and safety of the construction. The developer of this site must work with the construction and service workers to provide prevailing wages for development and living wages for the permanent workers. There must be a requirement that all required safety equipment, standards and practices are utilized on the worksite, and that benefits for the workers are provided. There should also be provisions for onsite training and apprenticeships for local area residents that will provide practical work experience and lead to careers which provide a middle class income.

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

On July 23, 2014 (Calendar Nos. 5 and 6), the City Planning Commission scheduled August 6, 2014, for a public hearing on the original application (C 140323 ZSQ) and the modified application (C 140323 (A) ZSQ) and related actions. The hearing for C 140323 (A) ZSQ was duly held on August 6, 2013 (Calendar No. 11), in conjunction with the applications for the related actions.

There were 21 speakers in favor of the applications and 24 speakers in opposition.

Those who spoke in support included representatives of the applicant, representatives of Long Island City/Astoria Chamber of Commerce, Queens Chamber of Commerce, New York Water Taxi, non-profit organizations, local businesses and residents of the area.

An attorney representing the applicant was the first to speak and testified that the application would provide for the expanding revitalization of the Queens waterfront. The speaker addressed several concerns expressed by the Community Board and Borough President, including the project's affordable housing component, timing of the construction of the school and skilled labor. He noted that the project's affordable housing has been addressed through a commitment to permanent affordability throughout the entire development, a commitment to extend the Inclusionary Housing Program designated area to include the Phase 1 portion of the project site and a commitment to increase the number of affordable units as requested by the Community Board and Borough President. In addition, he noted that the project has taken note of the Mayor's 10-year housing plan and has made unprecedented commitments to the production of affordable housing different from other projects that have come before the City. The representative spoke to reasons why the construction of the school was at the last phase of the development, as the Community Board and the Borough President expressed concern about the need for more school seats in Astoria at an earlier phase of the development. He stated that construction of the school is in the last phase of the development because that is when the seats would be needed. He noted that the project team has worked closely with the School Construction Authority and the Department of City Planning to determine the project's phasing and the anticipated demand for school seats. Additionally, he noted that the nearby Halletts Point project is planned to provide additional elementary and intermediate school seats. He testified that in response to concerns about apprenticeship programs, the applicant is committed to skilled labor and intends to use subcontractors who participate in state-approved apprenticeship programs.

The environmental analyst for the applicant testified on several concerns regarding transportation, traffic, and hazardous materials. She stated that extensive coordination with the Department of City Planning, Department of Transportation, FDNY and other agencies had commenced to address the accessibility to the development and around the peninsula. The collaboration resulted in a decision to extend the street grid and create two new eastbound street segments and one northbound street segment. She also mentioned that shuttle bus service would be provided for the residents of the development to the 30<sup>th</sup> Avenue elevated station as part of the project, not as mitigation. She provided testimony regarding the environmental analysis performed to identify the traffic impacts described in the draft EIS and noted that the analysis accounted for general background growth and traffic generated by the proposed project and 30 distinct planned and anticipated projects in the area, including Halletts Point. She noted that as part of the project's traffic mitigation, a minimum of two traffic monitoring plans would be conducted in coordination with DOT, during the project's construction and at the end of construction to confirm whether future conditions are as anticipated in the environmental review.

The speaker addressed concerns raised during several public hearings about hazardous materials on the project site. She testified that DEC has no open or closed spill cases on the project site and that DEC is not involved in any enforcement actions. She explained that as part of the environmental review, an E- designation would be assigned to the project site requiring that further sub-surface investigations and remediation would have to be conducted prior to issuance of a building permit. As a requirement, DEP must review and approve the Phase II work plan outlining the components of the sub-surface investigation, including soil, soil vapor and groundwater testing and asbestos. She stated that all Phase II testing of the proposed school site would be undertaken in the first phase of the project development and would be memorialized in the Restrictive Declaration.

Another representative of the applicant addressed concerns raised about big-box businesses, such as a Wal-Mart, occupying the commercial spaces of the development. She stated that the applicant has never had a conversation with Wal-Mart agents regarding the Astoria Cove site, and she explained that the project is proposed to have a C2-4 commercial overlay zone which permits local retail establishments generally limited to 10,000 square feet for dry goods and other

general merchandise stores. She noted that, other than the 25,000 square foot FRESH supermarket, the largest retail floor plan is approximately 13,000 square feet, smaller than the typical Wal-Mart size floor plan.

The landscape architect spoke of the waterfront access that the project would provide. He noted that substantially more public open space is provided beyond the waterfront zoning requirement and that the project is providing more than the required width for the shore public walkway. He spoke of resiliency measures that were considered in the design of the public spaces and noted they were developed in accordance with the regulations and best practices for development within FEMA's 100-year flood zone, although most of the site is outside of this zone.

The President of the Long Island City/Astoria Chamber of Commerce testified in support of the development. He noted that, similar to developments that began in Long Island City to the south of the Halletts Point peninsula, the Astoria Cove proposal would begin to bring activity, positivity and prosperity to an isolated section of Queens. He commended the vision of the developer and noted the contribution made to the community by one of the partners sponsoring the project, who also controls a local bank, and finances loans to entrepreneurs in order to create jobs.

A representative of the Queens Chamber of Commerce testified the Astoria Cove project would add to the future of Queens' burgeoning economy by creating hundreds of new construction jobs, as well as new jobs once the development is completed. He noted that the development would add eight sewer projects to help mitigate flooding and strengthen the existing infrastructure of the area. Lastly, echoing the recommendations of the Community Board and the Borough President, he testified in favor of plans for Astoria Cove to accommodate a ferry terminal as a valuable resource for residents of Astoria.

A representative of the New York Water Taxi spoke in favor of ferry service at the Astoria Cove development site. He noted both the Community Board and Borough President recommendations urged the developer to establish ferry service between Pot Cove and Manhattan. He stated that the ferry would relieve the congested roadway network, provide

diverse transportation options, alleviate the burden on existing transportation options and would benefit the Astoria residents and businesses as the City continues to grow.

Several representatives from non-profit organizations spoke in favor of the development. The CEO and co-founder of Urban Upbound spoke of the current isolated state of the Halletts Point peninsula and how both the Halletts Point project and Astoria Cove project would bring investment interest to the area. He emphasized the need for both private and public sectors to invest in the infrastructure needed in the community, specifically on the Astoria Houses campus. He stated that one of the project sponsors has made monetary donations to the Urban Upbound organization to support community programming in Astoria Houses and asked the developer to develop a comprehensive community benefits plan for the Astoria Houses residents. The executive vice president of Goodwill Industries of Greater New York and Northern New Jersey stated support for the Community Board's recommendations and expected that consensus would be reached so the project could move forward to allow for opportunity for growth in affordable housing, school, supermarket and jobs to revitalize the community.

Also speaking in favor of the application were several local businesses and residents who praised the proposed development plan for the employment opportunities it could provide and much needed new housing stock.

Those who spoke in opposition to the application included members of Community Board 1, affordable housing advocates, union members and residents of properties owned by one of the project sponsors.

The District Manager, Assistant Chair of the Zoning Committee and a member of Community Board 1 appeared to reiterate the concerns stated in Board 1's recommendation to disapprove the application. They noted that new development on the Halletts Point peninsula should be integrated into the community of Old Astoria and that the Board's conditions for approval of the development constituted the Board's attempt to identify the community needs to maintain a stable quality of life during and after construction of the Astoria Cove and Halletts Point projects and other developments.

A representative of the Association for Neighborhood and Housing Development stated that the proposed text amendment that would modify the affordable housing requirements should not be approved. While he acknowledged that the proposed mandatory Inclusionary Housing text may be a good initial step to take, and although he was pleased with the attempt to build into the text different income bands, greater amounts of affordable housing required, and limitations on the use of housing subsidies, he stated that the Inclusionary Housing text proposal, as written with the low-, moderate- and middle-income options, is not appropriate based on incomes and market-rate rents within the neighborhood. He suggested an appropriate range would be 30-80 percent of AMI, not 80-165 percent. He also stated that because most of the development site is outside of the 421-a General Exclusion Area, there is no additional incentive for the development to choose the low-income option and provide 20 percent affordable housing at 60 percent AMI. He expressed that with the proposed text, the applicant has the ability to provide entirely middle-income housing, which he believes is comparable to current market-rate housing in the area. He also stated that the project should provide more than 20 percent of the units as affordable.

Many of the speakers who testified in opposition were representatives from several labor unions who were concerned with the labor practices of one of the project sponsors. They stated the need for prevailing living wage standards for construction and permanent workers, providing good benefits, hiring locally and supporting worker organizations. They also expressed concern regarding hazardous materials on the existing site and the need to remediate the site properly.

Several residents of property located in the Rockaways and owned by one of the Astoria Cove sponsors, testified in opposition to the project on the grounds that this property is not well-maintained and the developer should not be allowed to develop other properties. These speakers listed several DOB violations existing on the Rockaways property and the significant building-wide repairs and rehabilitation required.

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

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 140323 (A) ZSQ), in conjunction with the related actions, 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 22, 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 12-104.

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

### **CONSIDERATION**

The Commission believes that the grant of this special permit (C 140323 (A) ZSQ) in conjunction with the related applications (C 140322 ZMQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ, C 130384 MMQ, C 140324 (A) ZSQ and N 140329 (A) ZRQ, as modified, are appropriate.

The Commission recognizes the importance of this project to the Astoria community, the Borough of Queens and the City. The 8.7-acre project site currently consists of single-story warehouses, light industrial and open storage properties occupying a prominent but inaccessible waterfront setting. The Commission notes that the proposed Astoria Cove project would transform the site with a mixed-use development, including more than 1,700 residential units (of which at least 345 would be permanently affordable residences pursuant to the applicant's amendment to Inclusionary Housing Program requirements); approximately 54,000 square feet of ground floor retail space, including a 25,000 square-foot FRESH supermarket, in the largest retail space; approximately 900 new accessory parking spaces; and provide approximately 60,500 square feet for a new pre-K – 5<sup>th</sup> grade public school. In particular, the Commission is pleased with the design of the proposed mixed-use development to facilitate public access to the waterfront and to connect the street system to the water, meeting the goals of reconnecting the City to the water. The Commission believes this development program would provide a mix of market-rate and affordable housing, employment, shopping and recreational opportunities to



service the needs of current and future residents in this portion of the growing neighborhood of Astoria.

The modified zoning text amendment submitted to the Commission makes the proposed development the first ever to be subject to a mandatory Inclusionary Housing requirement through the Zoning Resolution. This reflects an important milestone in the realization of the objectives of *Housing New York*, the Mayor's ten-year, five-borough plan for housing affordability. The applicant's proposal would create a significant permanently affordable housing resource for the community without the use of public subsidies.

The Commission believes that the project's waterfront esplanade will provide a key shoreline connection that will attract new users to this portion of the East River to enjoy the site's compelling views to the Robert F. Kennedy and Hell Gate bridges, Randall's Island, Manhattan and the Bronx and partake of the variety of proposed amenities, including a children's play area, numerous seating areas, and unique circulation plan with "Get Down" steps.

The Commission notes that the requested applications would rezone the site to permit the proposed project density, modify bulk and waterfront public access regulations to facilitate the proposed building and open space program and modify zoning regulations to apply the Inclusionary Housing Program to the site in a manner that also advances the administration's plan to expand affordable housing opportunities. The Commission believes the proposed rezoning and zoning text amendments would facilitate a well-conceived transformative development that would improve the site with a plan that is superior to that which would be permitted as-of-right. The Commission further believes the proposed actions would facilitate a development that would revitalize a long-neglected area in a manner that would strengthen the mixed-use context in this portion of Astoria Queens.

The Commission notes that there could be several businesses displaced because of the Astoria Cove project and expressed concern about their relocation. The applicant has explained to the Commission that all existing businesses have month-to-month leases and of the 12 on-site businesses, only one business each may be displaced during Phases 1 and 2. The remaining

businesses may not be displaced until Phases 3 and 4, about six to seven years from the projected commencement of site preparatory work. The Commission understands that the 68 jobs associated with the 12 current on-site businesses does not constitute a substantial portion of the employment base within a half- mile of the project site and that the potential displacement of this number of jobs is below the CEQR Technical Manual's threshold warranting a further assessment of direct business displacement. Nonetheless, the Commission stresses the importance of assisting the displaced businesses in finding new locations to operate. The Commission understands that coordination between the Department of City Planning, the Department of Small Business Services and the applicant has resulted in the identification of a site owned by the developer that could be made available and readily accommodate the business that could be displaced in Phase 1. The Commission urges this coordination to continue as the project is implemented.

The Commission acknowledges the requests for ferry service at the Astoria Cove project site that have been raised by Community Board 1 and the Borough President in their recommendations. The Commission notes that the New York City Economic Development Corp. is planning to issue a Request for Proposals and obtain a consultant to prepare a feasibility study of options for ferry landing locations along the Halletts Point peninsula, including the one proposed by the Astoria Cove project at the end of 9<sup>th</sup> Street. The Commission understands a draft scope of services for this study has been prepared and it is hoped that this RFP can be issued prior to City Council action on the Astoria Cove project. The Commission believes establishing ferry service to the peninsula would bring activity and provide alternative transportation services to an isolated section of Astoria. Nonetheless, the Commission notes that the request for ferry service is outside of the ULURP scope and therefore is not under direct consideration in the pending land use review process.

The Commission also acknowledges concerns raised about skilled labor and local hiring issues raised by many speakers during the public hearing testimony. The Commission understands the applicant has expressed a commitment to working with community groups to establish and support job training, apprenticeship and entrepreneurial programs for Community Board 1. The Commission acknowledges the applicant will strive to ensure local hiring will be a priority for

residents of Astoria Houses. The Commission notes that labor issues are outside of the ULURP scope and therefore cannot be considered in the pending land use review process.

The Commission notes the concerns raised by Community Board 1 and the Borough President regarding construction of the school in the earliest phase of the project. The Commission acknowledges that based on the project's Environmental Impact Statement, there would not be a need for a school until the last phase of the development, and the Commission notes that currently there is a utilization rate of 80 percent for primary schools in the vicinity of the Astoria Cove site. The Commission also acknowledges that for the nearby Halletts Point project a site has been proposed to have an expansive school for grades K-8 that could serve school needs generated by the Astoria Cove project and that this need assessment would be analyzed by the School Construction Authority (SCA) and the Department of Education as the development of Halletts Point occurs. The Commission appreciates the efforts of the applicant and the SCA is executing a final letter of intent that includes the ability for the SCA to exercise its option for the school site at the start of the first phase of the development.

In addition to the construction of the school in an earlier phase of the project, the Commission notes the use of the school site could be better utilized as an interim recreational use until such time as the property is made available to the SCA. The Commission acknowledges that the applicant has looked into the feasibility of this and has stated it will modify its construction plan to commit to making the school site available for interim recreational use should the SCA decline to acquire the site at the start of the development. The Commission understands the applicant will consult with CB1 and other community stakeholders to determine the appropriate use and operation of the interim recreational open space.

The Commission notes that before any development takes place, the applicant would initiate a comprehensive remediation of the entire site as required by the conclusions of the project's EIS. During the Commission's public hearing, testimony was provided concerning the possibility that hazardous materials are located on the portion of the project site where the school and potential interim recreation use. The Commission is pleased that the applicant has begun to undertake a Phase II sub-surface investigation for hazardous materials at the planned school site in

accordance with a work plan approved by the Department of Environmental Protection and supplemental investigation protocol identified by the SCA. The Commission understands that this testing could not be completed prior to the vote by the Planning Commission but strongly urges the applicant to complete the testing and analysis prior to the actions of the City Council.

Overall, the Commission believes that the project's proposed range of building sizes and scales relate well to each other as a composition, and that the significant heights proposed would be warranted to accommodate within this site plan the proposed program of uses and the creation of a significant amount of affordable housing. In this interim period of the *Housing Plan*, the Commission believes the zoning text amendment, as modified herein, is the first step in creating a balanced relationship between the needs of the developer and the needs of the community. As discussed in greater detail below, the Commission believes the modifications to the zoning text amendment related to the Inclusionary Housing program applied to the site are essential to its consideration and its determination that the proposed development would be appropriate.

#### **Zoning Text Amendment – N 140329 (A) ZRQ**

The Commission believes the proposed text amendment modifying the provisions of the Inclusionary Housing program is appropriate as modified herein. As stated previously, the Commission strongly supports the proposed text's mandate that no residential development can occur on the project site unless affordable housing is provided. The Commission also appreciates that the proposed text includes provisions to allow greater flexibility in the mix of income "tiers" that can be considered as meeting the affordable housing mandate, including housing for moderate- and middle-income households, as already established for certain locations for the Inclusionary Housing Program.

However, the Commission notes the proposed text omits a provision that exists in other Inclusionary Housing designated areas where optional multiple income tiers are allowed, and this provision requires that at least 10 percent low-income housing is always included when moderate- or middle-income housing is also provided. The Commission is, therefore, modifying the application to include a requirement that there always be a minimum 10 percent share of housing affordable to low-income households if other levels of affordability are also provided.

With this Commission modification, the mix of low- and moderate-income floor area will be set at 10 percent and 15 percent, respectively, with a total affordability ratio of 25 percent. The mix of low- and middle-income floor area will be set at 10 percent and 20 percent, respectively, with a total affordability ratio of 30 percent.

The Commission acknowledges this is the first project to implement the administration's new approach to Inclusionary Housing. The Commission commends the applicant for submitting a modified proposal that responds to the priorities articulated in *Housing New York* by incorporating a requirement to mandate the provision of permanently affordable housing.

### **Zoning Map Amendment – C 140322 ZMQ**

The Commission believes that the related action for an amendment to the Zoning Map (C 140322 ZMQ) is appropriate. The Commission notes that the applicant's waterfront parcel is zoned M1-1, which allows low-scale commercial and light industrial uses, and the upland parcel is zoned R6, which allows residential and community facilities at a scale similar to the 15-story Goodwill tower on the north side of 27th Avenue and the adjacent 23-story Shore Towers to the east. The Commission also notes that there has been a decline in light industrial and manufacturing activity along the waterfront on Halletts Point in recent years, and that the current zoning in the area potentially creates conflicts between these uses and residential developments on the peninsula and adjacent streets in Astoria that provide access to the point. The Commission believes that the current M1-1 zoning is not conducive to mixed-use development, and that the waterfront properties containing warehousing and open storage uses are not optimally utilizing their prime East River setting.

The Commission notes that the proposed action would rezone the applicant's waterfront parcel from M1-1 to R7-3/C2-4 and rezone portion of the upland parcel from R6 to R7A/C2-4 and R6B. The Commission believes that the proposed zoning map changes would permit a wider range of uses that would be more consistent with the mixed-use character of the broader Astoria neighborhood and with other redeveloping waterfront locations. The Commission notes that the

2010 Astoria rezoning established an extensive network of commercial overlay districts, including on nearby portions of Astoria Boulevard.

The proposed C2-4 overlays permit ground floor local retail uses, and the proposed development would include retail uses to activate frontages on the proposed 4<sup>th</sup> Street extension, publicly accessible private street, Crescent Drive, and along the re-opened section of 26<sup>th</sup> Avenue.

The Commission notes that the proposed R7-3, R7A and R6B zoning districts permit residential development on the applicant's waterfront and upland parcels at maximum FARs of 5.0, 4.6 and 2.2, respectively. The proposed designation of the Inclusionary Housing Program for the project site would require the provision of affordable housing as 20 percent of the residential floor area. The proposed special permit, and its related Restrictive Declaration, will require similar proportions of affordable units be provided in each phase of the project. As proposed in the zoning text amendment and established in the Restrictive Declaration, no market rate residential development, absent the provision of Inclusionary Housing, would be allowed, and permanent affordable housing must be provided. The Commission notes that similar densities can be found elsewhere in western Astoria, including the intersection of Astoria Boulevard and 21st Street, where an R7X district allows 5.0 FAR without Inclusionary Housing, and along portions of the East River waterfront fronting Vernon Boulevard to the south of Astoria Houses, where an R7A district allows up to 4.6 FAR with voluntary Inclusionary Housing.

### **Special Permit to Modify Bulk Regulations as part of a Large Scale General Development (Section 74-743) – C 140323 (A) ZSQ**

The Commission believes the special permit that is the subject of this report (C 140323 (A) ZSQ), is appropriate. The Commission notes that the applicant proposes to unify the 8.7-acre project site comprised of a waterfront parcel and an upland parcel as a large-scale general development as defined in the Zoning Resolution. The Commission notes that this special permit will allow the distribution of floor area without regard for zoning lot lines, waive distance limitations between buildings, windows, lot lines and courtyards, and for the development's upland parcel it will waive a portion of a through-lot rear yard equivalent. It will also allow a phased construction program for the proposed development that will provide a longer time

period for achieving substantial construction of this multi-building complex. Overall, the Commission believes that these actions will create a superior site plan that relates well to its surroundings and that will not overburden any portion of the development or surrounding streets.

The Commission notes that the special permit will allow the waterfront parcel to receive a floor area transfer from the upland parcel of 100,753 square feet. The Commission believes that the proposed transfer of floor area is appropriate. The Commission notes that the requested floor area transfer will allow Buildings 1, 2 and 3 on the waterfront parcel to include 1,268 market-rate units and 317 affordable units and allow Building 4 and 5 on the upland parcel to include 110 market-rate units and 28 affordable units, achieving suitable building massings that appropriately work within the topography of the site.

The Commission believes that the waivers for distance limitations between buildings and windows, lot lines and courtyards are appropriate and that these facilitate somewhat smaller overall building footprints and allow for more space to be devoted to public access areas.

In addition, in accordance with the proposed text amendment, the Commission is conditioning its approval of the large-scale special permit on adherence to certain procedures for determining the amount of publicly-subsidized affordable housing, if any, that may count toward fulfilling the Inclusionary Housing requirement. Although the applicant has proposed to provide affordable units without public subsidy, the existing Inclusionary Housing Program does allow the use of subsidies. The procedures required as a condition of the large-scale special permit approval provide that the Chairman, in consultation with the New York City Department of Housing Preservation and Development (HPD), may determine that, based on information available at the time of development, some or all of the units supported by public funding may not be used to satisfy the IHP requirement. This provision will support the efficient use of affordable housing subsidies.

As a whole, the Commission believes that this requested special permit is appropriate and it will create an exemplary site plan, in which buildings relate well to each other and to other buildings, and highlights the publicly-accessible open space that leads to the waterfront and will not unduly

burden any portion of the site or the nearby street network. The Commission also believes, given the scope and complexity of the proposal, that the plans demonstrate that a longer time period for substantial completion is required for the proposed phased construction of the multi-building development, and pursuant to Section 11- 42(c) the Commission extends the period set forth in paragraph (a) of Section 11-42 to a period not to exceed ten years.

### **Special Permit to Modify Bulk Regulations on Waterfront Blocks (Section 62-836) – C 140324 (A) ZSQ**

The Commission notes that this special permit will allow for modifications of requirements regarding building setback distance, base and building height, tower size, and maximum width of walls facing the shoreline. The Commission believes that these changes to the project’s massing will facilitate an improved site plan so that the planned five new buildings and public open space relate better to adjacent streets and the surrounding neighborhood as part of a master planning effort for the east end of the peninsula. The Commission also believes that these requested modifications to the building envelope of the development will not adversely affect access to light and air from surrounding streets and planned waterfront public access area or adjacent existing buildings.

### **Amendment to the City Map - C 130384 MMQ**

The Commission believes that the proposed City Map changes are appropriate. The Commission believes the proposed establishment of 4<sup>th</sup> Street between 26<sup>th</sup> Avenue to the edge of the proposed waterfront esplanade will provide public access to the waterfront and enhance vehicular and pedestrian circulation on this portion of the Halletts Point peninsula. The Commission notes that the proposed elimination of 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the U.S. Pierhead and Bulkhead Line will facilitate the development of a landscaped pedestrian walkway which will also provide pedestrian access from 27<sup>th</sup> Avenue northward to the waterfront esplanade, while also serving as a visual corridor. The Commission notes that by proposing the elimination of the mapped street, it is not affecting the existing condition of the street as it is mapped but unbuilt today. In addition, the Commission notes the currently inaccessible portion of mapped 26<sup>th</sup> Avenue will be built out in conjunction with the proposed development, providing a connection between 4<sup>th</sup> and 9<sup>th</sup> Streets and improving traffic circulation in the area.



Furthermore, the Commission notes a publicly accessible privately owned street, Crescent Drive is proposed to be constructed along the waterfront within the waterfront public access area to connect the newly established 4<sup>th</sup> Street with the existing 9<sup>th</sup> Street and will function as a public right-of-way for vehicular and pedestrian traffic. The Commission believes these mapping actions will facilitate a better overall site plan for both the Astoria Cove development and the peninsula as a whole, extending the grid and providing accessibility to the waterfront. The Commission notes that the applicant is working closely with NYCDOT to incorporate traffic calming measures in response to community concerns as well as other traffic mitigation measures.

**Waterfront Authorizations (Section 62-822) – N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ**

The Commission believes the requested authorizations are appropriate. The Commission notes that the authorizations will modify the requirements for the waterfront public access area and visual corridors pertaining to their location, area and dimensions; modify the planting and furnishing of the required waterfront public access areas; and approve the phased implementation of these public access improvements. The Commission believes that the modifications to the dimensional and area requirements are appropriate given the waterfront parcel's unique crescent configuration. The Commission believes that the proposed waterfront open space plan is of high design quality, and that the public access area will provide users with an exciting and varied experience along the East River waterfront overlooking the RFK and Hell Gate Bridges and Randall's Island. The requested modifications to the design requirements of Section 62-60 create a waterfront public access area that is equivalent or superior to one that could be designed through strict adherence to zoning.

The Commission notes that the authorization and the restrictive declaration, attached here as Exhibit A, set forth a phasing plan which would ensure that the amount of open space in each phase is proportional to the amount of development proposed for that phase. The Commission also believes that they both provide for functional and accessible open space at each interim phase.

In summary, the Commission believes that all the requested zoning and City Map changes, special permits; modified herein text amendment; and authorizations are appropriate. The Commission believes the project has great potential to provide much-needed and significant improvements to the Halletts Point peninsula through its comprehensively prepared large-scale site plan. The Commission believes the applicant's goal to transform a underutilized area and inaccessible waterfront site with new market-rate and affordable housing into the fabric of the surrounding neighborhood will lead to revitalization of the entire Halletts Point peninsula and create a new destination in which to live, work and recreate.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Sections 74-743 of the Zoning Resolution:

1. The large-scale general development has a total of 8.7 acres and will be developed as a unit under single fee ownership for all zoning lots;
2. Will be located in whole or in part in a proposed new R7-3/C2-4, R7A/C2-4 and R6B district;
3. The transfer of residential floor area from the upland zoning lot to the waterfront zoning lot is permitted since these uses permitted in the R7-3/C2-4, R7A/ C2-4, R6B and R6 district;
4. Waivers for distance between buildings, courtyard and rear yard encroachments, and distance between windows and lot lines will permit a development that is comparable in size with the rest of the large-scale general development while allowing an efficient use of the site and provide a balanced scale between the building and public open spaces;
5. The distribution of floor area, open space, dwelling units, and the location of buildings within the large-scale general development area is designed in such a way as to maximize the publicly-accessible open space and result in a superior site plan;
6. The distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air;
7. All zoning lots within the proposed large-scale general development occupy frontage on mapped streets;

8. Considering the size of the proposed large-scale general development, the streets providing access will be adequate to handle traffic;
9. The applicant has submitted to the Commission a plan and timetable to provide required additional public facilities to serve the area;
10. A declaration with regard to ownership requirements of the large-scale general development has been filed with the Commission and;
11. For a phased construction program, the applicant has provided all additional information requested including a proposed time schedule for carrying out the proposed large-scale general development showing the distribution of bulk, and open space and a site plan providing for common open space.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the action described herein to be appropriate, adopts the following resolution:

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 19, 2014, with respect to this application (CEQR No. 13DCP127Q), and the Technical Memorandum, dated September 26, 2014, (the “Technical Memorandum”), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that, consistent with social, economic, and other essential considerations:

1. From among the reasonable alternatives thereto, the Proposed Action, as modified with the modifications adopted herein and as analyzed in Chapter 25, “Potential Modifications to the Proposed Project,” of the FEIS and in the Technical Memorandum (the “Modified Proposed Action”) is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by requiring as conditions to the approval, that the Restrictive Declaration marked as Exhibit A hereto, subject

to administrative and technical changes acceptable to Counsel to the Department, is executed by 2030 Astoria Developers, LLC or its successors, and that such Restrictive Declaration is recorded and filed in the Office of the Register of the City of New York, County of Queens.

This report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitutes 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 action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 2030 Astoria Developers, LLC for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

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

3. Section 74-743(a)(6) - to modify the requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines);

in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3<sup>rd</sup> Street, the U.S. Pierhead and Bulkhead Line, 9<sup>th</sup> Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development, within the Halletts Point Peninsula, Borough of Queens, Community District 1, is approved, subject to the following terms and conditions:

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

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-102.A	Zoning Analysis	07/07/2014
Z-102.B	Zoning Analysis	09/22/2014
Z-103.00	Site Plan	07/07/2014
Z-200.00	Building 1 Site Plan & Base Plan Calculations	07/07/2014
Z-201.00	Building 1 Height & Setback Diagram	07/07/2014
Z-210.00	Building 2 Site Plan & Base Plan Calculations	09/22/2014
Z-211.00	Building 2 Height & Setback Diagram	07/07/2014
Z-220.00	Building 3 Site Plan & Base Plan Calculations	07/07/2014
Z-221.00	Building 3 Height & Setback Diagram	07/07/2014
Z-230.00	Building 4 Site Plan & Base Plan Calculations	09/22/2014

Z-231.00	Building 4 Height & Setback Diagram	09/22/2014
Z-240.00	Building 5 & School Site Plan & Base Plan Calculations	09/22/2014
Z-241.00	Building 5 & School Height & Setback Diagram	09/22/2014
Z-500.00	Overall Phasing Plan	07/07/2014
Z-501.00	Phasing Plan Phase 1	07/07/2014
Z-502.00	Phasing Plan Phase 2	07/07/2014
Z-503.00	Phasing Plan Phase 3	07/07/2014
Z-504.00	Phasing Plan Phase 4	07/07/2014
L-100.00	Waterfront Public Access Area Plan	07/07/2014
L-110.00	Zoning Calculations 1	07/07/2014
L-111.00	Zoning Calculations 2	07/07/2014
L-112.00	Zoning Calculations 3	07/07/2014
L-300.00	Overall Site Plan	07/07/2014
L-310.00	Dimension Plan North	07/07/2014
L-311.00	Dimension Plan South	07/07/2014
L-320.00	Materials Plan North	07/07/2014
L-321.00	Materials Plan South	07/07/2014
L-330.00	Grading Plan North	07/07/2014
L-331.00	Grading Plan South	07/07/2014
L-340.00	Seating Plan North	07/07/2014
L-341.00	Seating Plan South	07/07/2014
L-350.00	Furnishings Plan North	07/07/2014

L-351.00	Furnishings Plan South	07/07/2014
L-360.00	Planting Plan North	07/07/2014
L-361.00	Planting Plan South	07/07/2014
L-400.00	Landscape Sections	07/07/2014
L-401.00	Landscape Sections	07/07/2014
L-402.00	Landscape Sections	07/07/2014
L-500.00	Landscape Details Paving	07/07/2014
L-501.00	Landscape Details, Curbs, Stairs, Walls	07/07/2014
L-502.00	Landscape Details, Curbs, Stairs, Walls	07/07/2014
L-503.00	Landscape Details Fence & Gate Details	07/07/2014
L-510.00	Landscape Details Site Furnishings	07/07/2014
L-511.00	Landscape Details Site Furnishings	07/07/2014
L-512.00	Landscape Details Play Equipment	07/07/2014
L-513.00	Landscape Details Play Equipment	07/07/2014
L-514.00	Landscape Details Play Equipment	07/07/2014
L-515.00	Landscape Details Signage	07/07/2014
L-520.00	Landscape Details Planting	07/07/2014
LT-100.00	Lighting Plan North	07/07/2014
LT-101.00	Lighting Plan South	07/07/2014
LT-110.00	Photometric Plan North	07/07/2014
LT-111.00	Photometric Plan South	07/07/2014
LT-200.00	Lighting Fixture Details	07/07/2014
LT-201.00	Lighting Fixture Details	07/07/2014

LT-202.00	Lighting Fixture Details	07/07/2014
LT-400.00	Lighting Section	07/07/2014
LT-401.00	Lighting Section	07/07/2014
LT-402.00	Lighting Section	07/07/2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
  
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
  
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
  
5. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration marked as Exhibit A hereto, subject to administrative and technical changes acceptable to Counsel to the Department, is executed by 2030 Astoria Developers, LLC or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
  
6. Such development shall conform to the procedures and requirements for determining the amount of publicly-subsidized affordable housing that may be counted toward the Inclusionary Housing requirement, as delineated in the above-mentioned Restrictive Declaration.



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

The above resolution (C 140323 (A) ZSQ), duly adopted by the City Planning Commission on September 29, 2014 (Calendar No. 9) is filed with the Office of the Speaker, City Council, and the Borough President, together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chairman  
**KENNETH J. KNUCKLES**, Esq., Vice Chairman  
**RAYANN BESSER, ALFRED C. CERULLO, III,**  
**JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, BOME E JUNG, ANNA HAYES LEVIN,**  
**ORLANDO MARIN**, Commissioners

**MICHELLE R. DE LA UZ, LARISA ORTIZ**, Commissioners Abstained

**IRWIN G. CANTOR, P.E.**, Commissioner Voted No



# City of New York Community Board #1, Queens

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*Transportation*  
Robert Piazza  
*Youth*  
Jose Batista  
*Zoning & Variance*  
John Caruana

June 27, 2014

Mr. Carl Weisbrod  
Commissioner  
Department of City Planning  
22 Reade Street  
New York, NY 10007

Dear Commissioner Weisbrod:

Please find attached our Board's recommendations for ULURP applications:

- C 140322 – ZMQ
- C 140323 – ZSQ
- C 140324 – ZSQ
- C 130384 - MMQ

We anticipate the Commission's serious consideration of our recommendations and we thank you.

Sincerely,

Vinicio Donato

## Attachments

cc: Hon. Michael Gianaris  
Hon. Catherine Nolan  
Hon. Aravella Simotas  
Hon. Malinda Katz  
Hon. Costa Constantinides  
Howard S. Weiss, Esq., Applicant's Rep.  
Mr. John Young, DCP

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 Jose Batista  
*Zoning & Variance*  
 John Conzone

June 24, 2014

CB1Q Recommendation

**2030 Astoria Developers, LLC, applicant for Astoria Cove. Generally bounded by Pot Cove, 9<sup>th</sup> Street, 27<sup>th</sup> Avenue and 4<sup>th</sup> Street, Astoria, CD1, Queens**

- C140322 ZMQ Zoning Map Amendment**
- C140323 ZSQ Large-Scale General Development Special Permits**
- C140324 ZSQ Waterfront Special Permit to facilitate building design**
- C130284 MMQ City Map Amendments**
- N140325 ZAQ Authorization for Modifications to Waterfront Public Access and Visual Corridors**
- N140326 ZAQ Authorization to Modify Design Requirements for Waterfront Public Access Areas**
- N140327 ZAQ Authorization to Permit Phased Development of Waterfront Public Access Areas**
- N140328 ZCQ Chairperson Certification of Modifications to Waterfront Public Access Areas and Visual Corridors**
- N140329 ZRQ Zoning Text Amendment for Inclusionary Housing Designated Areas**

The Land Use and Zoning Committee of Community Board 1Q (CB1Q) reviewed the referenced ULURP applications that were certified April 21, 2014. If approved, the applications would facilitate construction of the Astoria Cove Project in western Astoria.

(cont.)

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On June 10, 2014 CB1Q held a public hearing on the referenced Applications. Thirty-one of the 50 Community Board Members were present, constituting a quorum. Fifty-four persons signed up to speak, thirty-nine actually testified on concerns such as jobs, residential displacement, affordability of new apartments and transportation issues that would result from the construction of the Project.

At its regularly scheduled monthly meeting on June 17, 2014, the Board, on recommendation of the Zoning Committee, by a vote of 44 in favor, 0 opposed and 0 abstentions, denied approval of the ULURP applications unless the conditions and concerns discussed below are met.

### **PROJECT DESCRIPTION**

The irregularly shaped 391,830 SF site is generally bounded by Pot Cove to the north, 9<sup>th</sup> Street to the east, 27<sup>th</sup> Avenue to the south and 4<sup>th</sup> Street to the west. The Project would consist of five (5) mixed-use buildings, ranging in height from 6 to 32 stories constructed as a Large-Scale General Development plan. Three (3) towers (Buildings 1, 2 and 3) would be located on the waterfront blocks along Pot Cove between 4<sup>th</sup> and 9<sup>th</sup> streets (Tax Block 906 Lots 1 and 5 and Tax Block 907 Tax Lots 1 and 8); two (2) buildings (Buildings 4 and 5) would be located on upland blocks, contiguous to unimproved 8<sup>th</sup> Street (Tax Block 908 Lot 12 and Tax Block 909 Lot 35).

The applicant proposes to construct a 1,729,748 SF mixed-use development with approximately 1,689 dwelling units (1,615,082 residential SF) of which 295 units would be affordable; 54,099 SF local retail space including a supermarket; 900 attended indoor accessory parking spaces located in four of the five proposed buildings on site and to convey a site within the Large Scale General Development area to the School Construction Authority (SCA) for a 60,567 SF K-5 elementary school with 456 seats. Also proposed is a 23,920 SF publicly accessible waterfront park and esplanade that would be a bi-level crescent that follows the natural curve of Pot Cove. It would contain overlooks, extensive plantings, passive and active recreational space and a playground. A pedestrian easement (the Mews) would be mapped to connect upland blocks to the waterfront esplanade. The Project would be built in four (4) phases with completion expected in 2023.

**Phase 1: Buildings 4 and 5** on the upland blocks proposed to be zoned from R6 to R7A/C2-4 and R6B, located south of 26<sup>th</sup> Avenue abutting formerly mapped 8<sup>th</sup> Street. Combined, the two buildings would contain 132,410 residential SF with 72 dwelling units and 3,020 SF ground floor commercial space. Both buildings vary in height between six and eight stories with a maximum building height of 80 ft. Seventy-two (72) accessory, attended indoor parking spaces would be provided in Building 4. No parking would be provided in Building 5.

No affordable units are proposed for either building in Phase 1. The portion of the Mews between Buildings 4 and 5 would be constructed concurrently in Phase 1. A site (Block 908, Lot 12) along 26<sup>th</sup> Avenue at the corner of 9<sup>th</sup> Street, adjacent to Building 5 would be turned over to the City of New York but constructed by the SCA at the completion of Phase 4.



**Phase 2: Building 3** is located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 9<sup>th</sup> Street and 26<sup>th</sup> Avenue. It would contain 328,655 residential SF and provide 275 market rate dwelling units, 69 affordable units, 10,970 SF of ground floor commercial space and 230 accessory, attended indoor parking spaces. The building would have three sections with different heights: 26 stories (262') at the intersection of the esplanade with the Mews, eight stories (102') at the corner of 9<sup>th</sup> Street and the esplanade and six stories (82') along 26<sup>th</sup> Avenue between the Mews and 9<sup>th</sup> Street.

The section of the Waterfront Access Area and esplanade adjacent to Building 3 as well as 26<sup>th</sup> Avenue between 9<sup>th</sup> Street, the Mews and 9<sup>th</sup> Street near the waterfront would be constructed as part of Phase 2.

**Phase 3: Building 2** is located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 4<sup>th</sup> Street and 26<sup>th</sup> Avenue. It would contain 542,973 residential SF and provide 454 market rate dwelling units, 114 affordable units and 15,493 SF of ground floor commercial space that includes a supermarket. There would be 242 accessory, attended indoor parking spaces. The building would have three sections with different heights: 32 stories (320') at the intersection of the waterfront esplanade with the Mews, ten stories (100') along 4<sup>th</sup> Street between the esplanade and 26<sup>th</sup> Avenue with 12 stories (120') and eight stories (80') along 26<sup>th</sup> Avenue between 4<sup>th</sup> Street and the Mews.

The section of the Waterfront Access Area and esplanade adjacent to Building 2 as well as 4<sup>th</sup> Street between 26<sup>th</sup> Avenue and the esplanade would be constructed as part of Phase 3.

**Phase 4: Building 1** is located in the proposed R7-3 district on the waterfront block west of 4<sup>th</sup> Street. The building would contain 611,045 residential SF and provide 527 market rate dwelling units, 112 affordable units, 24,616 SF of ground floor commercial space and 356 accessory, attended indoor parking spaces. Building heights vary: ten stories (102') and 29 stories (292') along the waterfront, ten stories (102') along the west side of the site from the waterfront to 26<sup>th</sup> Avenue and 22 stories (232') and eight stories (82') along 4<sup>th</sup> Street between the water and 26<sup>th</sup> Avenue.

The remaining sections of the Waterfront Access Area and esplanade adjacent to Building 1, as well as a playground, would be constructed as part of Phase 4. The SCA would construct the proposed 60,567 SF, K-5, 456-seat elementary school at the corner of 9<sup>th</sup> Street and 26<sup>th</sup> Avenue, after completion of Phase 4.

#### **DESCRIPTION OF THE PROPOSED ULURP ACTIONS**

In order to facilitate the development of the Astoria Cove Project, the following ULURP actions must be approved:

1. **C 140322 ZMQ          Zoning Map Amendment to Zoning Map 9a**
  - a. rezone from M1-1 to R7-3/C2-4 a portion of the development site bounded by the waterfront, 9<sup>th</sup> Street, 26<sup>th</sup> Avenue and 4<sup>th</sup> Street;



- b. rezone from R6 to R7A /C2-4 a portion of the development site located south of 26<sup>th</sup> Avenue between 4<sup>th</sup> and 9<sup>th</sup> streets;
- c. rezone from R6 to R6B a portion of the development site south and west of the proposed R7A district between 4<sup>th</sup> and 9<sup>th</sup> streets;
- d. establish a C4-2 commercial overlay district over the entire R7-3 and R7A districts.

**2. C 140323 ZSQ            Large-Scale General Development Special Permits**

The Large Scale General Development Special Permits facilitates construction of the proposed site plan as designed by allowing flexibility in placement of floor area and uses between the two zoning lots.

- a. ZR Section 74-743(a)(1) to allow for the distribution of floor area from the waterfront zoning lot to the upland zoning lot within the Large-Scale General Development;
- b. ZR Section 74-743(a)(2) to authorize reduction in the distance between Buildings 2 and 3, a waiver of court requirements for Buildings 1, 2 and 3;
- c. ZR Section 74-743(a)(6) to waive minimum distance between Building 5's windows and western lot line;
- d. ZR Section 11-42 (c) to extend the vesting term to 10 years for the special permits;

**3. C 140324 ZSQ            Waterfront Special Permit**

The Applicant requests a Special Permit to accommodate the design of the proposed Project within the existing geography and topography of the site.

- a. ZR Section 62-836 requesting modifications to yard, height and setback, tower footprint size and maximum width of walls facing the shoreline that will increase the size and height of the buildings beyond what zoning permits as of right;

**4. C130284 MMQ            City Map Amendments**

The Applicant proposes City Map Amendments to maximize access to the proposed waterfront esplanade.

- a. to establish a new segment of 4<sup>th</sup> Street from 26<sup>th</sup> Avenue to the waterfront;
- b. to demap a portion of 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the waterfront;
- c. to establish a public access easement within the public access area between 4<sup>th</sup> and 9<sup>th</sup> Sts.

**5. N 140325 ZAQ            Authorization**

The Applicant requests an Authorization to widen the width to depth ratio requirement to accommodate active uses along the esplanade and to allow a narrower ratio to reflect the shoreline's natural topography.

- a. ZR Section 62-822(a) to modify the area and minimum dimensions of waterfront public access areas and visual corridor requirements specified in Section 62-50;

**6. N140326 ZAQ            Authorization**

The Applicant requests additional waivers to accommodate design and topographical issues.

- a. ZR Section 62-822(b) to modify design requirements for the Waterfront Public Access Areas specified in Section 62-60;

**7. N 140327 ZAQ Authorization**

- a. ZR Section 62-822(c) to permit phased development of the Waterfront Public Access Areas;

**8. N 140328 ZCQ Chairperson Certification**

No permits may be issued until a site plan is certified as complying with Sections of the Zoning Resolution that pertain to visual corridors and waterfront public access area requirements and a restrictive declaration is executed and filed.

- a. ZR Section 62-811 certification of waterfront public access areas and visual corridors as modified by above referenced Authorizations;

**9. N 140329 ZRQ Zoning Text Amendment**

The applicant requests that a portion of the Development Site between 26<sup>th</sup> Avenue and the waterfront be an Inclusionary Housing Designated Area;

- a. ZR Section 23-952 and Appendix F to make the Inclusionary Housing Program applicable to a portion of the project area zoned R7-3;

**CB1Q Comments and Conditions****Affordable Units**

The Astoria Cove Project is proposed to be located in an area where affordable housing is critical to a good quality of life for many of the area's residents. Public hearing testimony reflected residents' displacement concerns because of accelerated redevelopment and gentrification in Old Astoria.

Displacement of existing tenants in the area's privately held buildings is a very real issue because of the quick succession of new and proposed development projects in Pot Cove. During the next ten years the community will deal with physical and socio-economic impacts from the Hallett's Point project approved last October (2,644 units), the Astoria Cove Project currently under review (1,689 units) and a third large-scale development adjacent to Astoria Cove, number of units unknown at present, that is anticipated for review by the Community Board next year. Allowing 1,689 new dwelling units in the neighborhood with only 295 or 17% of the units designated affordable under the Inclusionary Housing Program is distressingly inadequate to mitigate the socio-economic impacts of the project. More important is the absence of a real public benefit to the community, besides a landscaped Mews, in the early phasing of the Project. No affordable units are planned in Phase 1. Provision must be made within this and future projects for an economically diverse population that reflects Astoria's population.

The Applicant informed the Zoning Committee and stated at the public hearing that discussions are underway with the Department of City Planning to increase the number of affordable units in Astoria Cove, but did not provide a new number of units. Additionally, because the Project design is in its massing stage, apartment distribution was not defined and it has not yet been determined whether the Project will be rental or condominium or a combination.



- 1) The total percentage of affordable units in this development should be increased from 20% to 35% of the bonus floor area.
- 2) The affordable units should accommodate low, moderate and middle-income individuals and families.
- 3) The affordable units must be permanently affordable throughout the life of the Project.
- 4) Affordable units must be located in all five buildings in the Project.
- 5) The Zoning Text Amendment (N 140329 ZRQ) that designates Inclusionary Housing Program areas must be amended to include the entire Astoria Cove Site to allow affordable units in all five proposed buildings.
- 6) Affordable units should be provided in each construction phase, including Phase 1 where the number of affordable units should equal 15% of the residential floor area of those buildings.
- 7) Residents of the affordable units must have access to the same building amenities as residents of market rate units.
- 8) The owner/management of Astoria Cove should work with local community groups and Community Board 1 to provide CB1,Q residents selection priority in 50% of the designated affordable units;
- 9) All affordable units generated by this project should be located within the Astoria Cove project buildings and not constructed outside the defined General Large Scale Development area identified in these ULURP applications;
- 10) If buildings are designated for condominium status, affordable units should be reserved for sale to middle-income residents.

#### **Project Design and Sustainability**

Comments on the design of the Project are limited since the proposed buildings are now only a series of conceptual massings.

#### **Project Design**

- 1) Quality Housing Program design requirements should apply to all buildings in the Project regardless of applicable zoning district;
- 2) Both market-rate and affordable 2-bedroom apartments should be included in all buildings to accommodate family households;
- 3) The applicant should meet at regular intervals with the CB1 Zoning Committee to present the project's building designs as they progress. The applicant should also present the final designs to the Community Board for information purposes before filing with DOB for building permits;
- 4) CB1 should review and comment on any changes to the General Large Scale Development Plan, including minor modifications;
- 5) No on-street parking should be permitted on the narrow vehicular roadway adjacent to the waterfront esplanade between 4<sup>th</sup> and 9<sup>th</sup> Streets in order to keep all waterfront views towards the Hellsgate and Triborough Bridges unobstructed for pedestrians.

#### **Sustainability**

- 1) Mindful of the impact a project of this magnitude can have on the environment, the Astoria Cove development team should strive to exceed LEED gold standards by incorporating



innovative sustainable techniques into the design of all buildings.

- 2) Design elements that increase energy efficiency and reduce the project's carbon footprint should be incorporated into the design of the buildings and open spaces throughout the development.
- 3) Measures should be taken to protect building mechanicals and fuel storage from storm surges and flood risks.

#### **Parking/Traffic/Transportation**

The geography of the peninsula is very often referred to as isolated and contained. It has an extremely limited street infrastructure and mass transit which is limited to bus service or the elevated subway located beyond walking distance. As a result, CB1Q is concerned that the Project will adversely affect traffic circulation on the peninsula and in Old Astoria and that proposed parking is insufficient to meet the anticipated demand of the residential and commercial uses as well as visitors to the area's waterfront activities.

The Applicant's proposal for shuttle buses to the elevated subway is limited to new residents and will exacerbate traffic congestion on the area's strained street system. All proposed accessory parking would be attended or valet parking and is not allocated for commercial or residential uses; on-street parking is negligible due to the existing limited street system. CB1Q is concerned that the attended parking approach is not a workable solution to what will be a significant adverse impact to the community both in practicality and cost to new residents and those who visit the area for its proposed amenities.

With more than 4,000 new apartments approved or in the pipeline for the Halletts Cove peninsula during the next decade with approximately 8,900 new residents, other alternative modes of transportation such as ferry service must be put into operation in the early stages of the area's redevelopment.

#### **Parking**

- 1) The number of on-site parking spaces should be increased to at least 1.5 spaces per dwelling unit, similar to adjacent Shore Towers, to adequately serve all uses in the Project;
- 2) Accessory parking spaces should be dedicated specifically for the residential, commercial and retail, components of the Project;
- 3) One-third of the accessory parking spaces should be allocated as self-park spaces for visitors/shoppers to the project area;
- 4) Accessory parking should be provided for the community facility and school components of the Project when designed and constructed;
- 5) With the designation by NYCEDC of Pot Cove as a future Ferry Terminal, Special Permit, applications should be filed for additional parking that will be required for this use.

#### **Traffic**

- 1) The developer and DOT should evaluate traffic circulation and parking impacts during construction and after completion of each construction phase and mitigate any impacts;



- 2) **Building materials and supplies should be barged into the site in order to minimize impacts from construction traffic on the local streets.**

#### **Transportation**

- 1) **The applicant should work with Lincoln Equities, developers of the nearby Halletts Point project, and NYCEDC to establish ferry service between Pot Cove and Manhattan so that it would be operational by the time the developments are occupied.**
- 2) **An evacuation route must be established for the Halletts Cove peninsula with designated routes and signage that identifies staging and destination areas.**

#### **Open Space/Recreational Needs**

In the Halletts Cove community approximately 25% of the population is comprised of children and teenagers who need active recreational facilities. While the open space needs of the area's residents are served by Astoria Park and facilities under the Triborough Bridge, these facilities are already highly utilized, in need of maintenance and improvements and have limited hours of operation. In addition to the open, mostly passive recreational areas currently proposed by the Applicant at the end of the construction phases, the need for new recreational facilities for the current and future residents in the Halletts Cove area is an absolute necessity and should be realized in the early phases of the Project.

#### **Waterfront Public Access Area**

- 1) **Portions of the waterfront esplanade (i.e. the proposed 9<sup>th</sup> Street turn-around with access to the waterfront) should be constructed in Phase 1 to benefit the existing community.**

#### **Play Area**

1. **The Applicant and Department of Parks and Recreation should consult with CB1 before determining any receiving sites for improvements or monetary contributions as part of the Project's mitigation of open space impacts;**
2. **The play area proposed in the Waterfront Public Access Area should be relocated to a more central and accessible site and should be of sufficient size to meet the recreational needs of a wide range of age groups with age-appropriate equipment;**
3. **All open spaces shall have adequate lighting, security gates and be accessible to the public for a sufficient number of hours every day;**
4. **Responsibility for construction and maintenance costs for all open spaces must be identified and memorialized.**

#### **Community Facilities**

With three fully utilized Head Start programs in the Halletts Cove area, the program will require additional space for new residents from the Astoria Cove development. Additional enclosed recreational facilities are needed to accommodate current and future residents.

#### **Youth Center**

- 1) **The applicant should set aside a portion of the Project's designated commercial space to be occupied by early childhood programs.**



- 2) **CB1Q supports construction of a new recreational facility such as a YMCA or Boys and Girls Club for the area's older youth and adults and open to the public.**

#### **Medical**

- 1) **There is a critical deficiency of medical facilities in the project area. CB1Q encourages the Applicant to actively seek a hospital user such as Mt. Sinai or NY Hospital Queens to establish a satellite medical facility within the project's commercial square footage.**

#### **School**

School utilization rates in the immediate vicinity of the Project will exceed capacity with construction of Astoria Cove. Just beyond the impact area of this Project, schools are already operating above 100% utilization. In a Memorandum of Understanding dated April 17, 2014 between the developer and the SCA, successful conveyance of the site depends on i) the SCA exercising its option to construct the school; ii) the inclusion of development funds in SCA's Five Year Capital Plan and/or iii) SCA's timely response to the option to purchase the site for \$1.00. CB1 believes that no option to relieve developers of mitigating school impacts should be a part of approving this or future developments. To serve the existing and future community in Halletts Cove and to relieve overcrowding in the western part of School District 30, the school must be constructed.

- 1) **CB1Q adamantly insists that the construction of the school is mandatory as part of this Project;**
- 2) **The proposed school facility should be constructed early in the construction phasing to avoid overutilization of the area's local schools;**
- 3) **Prior to construction of the school, the proposed school site should be temporarily used for community recreational purposes;**
- 4) **The new school facility should include designated for recreational purposes that would be open to all community residents;**
- 5) **The school facility should be designed to incorporate programmatic space for early childhood programs like Head Start;**
- 6) **The Restrictive Declaration for this Project should not permit the designated school site to revert to the Applicant for residential or commercial development in the future.**

#### **Commercial/Retail**

With 84,470 SF of commercial and retail space proposed, concerns are raised about the potential traffic and noise impacts generated by sanitation trucks and vehicles servicing the commercial uses for deliveries.

- 1) **A FRESH Food Supermarket with designated accessory parking shall be part of the commercial component of the Project;**
- 2) **Internal loading and service areas should be incorporated into the Project design to avoid on-street traffic disruptions and congestion.;**
- 3) **Internal loading and service areas should be sufficient to meet the needs of all commercial uses.**

**Jobs**

Jobs for local residents and youth are of paramount importance in the community. The census tracts in the Old Astoria area currently have an estimated 10% unemployment rate among the area's civilian labor force. The proposed Astoria Cove development will generate job opportunities during all phases of construction and after project completion when the commercial and residential components are operational.

- 1) Priority should be given to local area residents and youth for a portion of construction jobs, as well as positions in local businesses, maintenance and security jobs in the new residential buildings once they are on line.**
- 2) The developer should work with construction and building service trades to set aside apprenticeship positions for local residents that will ultimately lead to permanent employment.**

**Infrastructure Capacity/Energy Consumption**

Much attention has recently been focused on the potential danger of the City's aged infrastructure and the accidents that can result with the underground gas and electric lines and storm and sanitary pipes. Con Edison recently began a program to assess the safety of its lines, especially in high-density residential areas. With power fluctuations are already a common occurrence in the adjacent Old Astoria area, the increased population resulting from both the Astoria Cove and Halletts Point projects will stress the area's aged infrastructure and could create unsafe conditions.

- 1) The applicant should initiate contact with Con Edison (gas and electricity) and NYCDEP (storm and sanitary sewers, outfalls) to assess the condition and capability of the area's infrastructure to handle the increased traffic and energy consumption needs.**
- 2) The project should incorporate systems that are energy efficient into the design of the heating, ventilating and cooling systems in the project design.**



# Queens Borough President Recommendation

**APPLICATION: ULURP #140323 (A) ZSQ**

**COMMUNITY BOARD: Q01**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by 2030 Astoria Developers, LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for the grant of Special Permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-243(a)(1) – to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning lot lines;
2. Section 74-243(a)(2) – to modify the minimum distance between building requirements of Section 23-711 (standard minimum distance between buildings), and to allow the location of buildings without regard for the court requirements of Section 23-851 (minimum dimensions of inner courts); and
3. Section 74-243(a)(6) – to modify the requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines);

in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3<sup>rd</sup> Street, the U.S. Pierhead and Bulkhead Line, 9<sup>th</sup> Street, and 27<sup>th</sup> Avenue (Block 906, Lots 1 and 5; Block 907 p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35: portions of land underwater adjacent to Block 907 and 906) in R7-3/C2-4\*, R7A/C2-4\*, R6B\* and R6 districts, within a large scale general development, Borough of Queens, Community District 1.

\* Note: This site is proposed to be rezoned by changing M1-1 and R6 Districts to R7-3/C2-4, R7A/C2-4, and R6B Districts under a concurrent related application (140322 ZMQ).

(Related applications: ULURP nos. 130384 MMQ, 140322 ZMQ, 140325 ZAQ, 140326 ZAQ, 140327 ZAQ, 140328 ZCQ, 140329 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, July 17, 2014, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were eleven (11) speakers in favor with eleven (11) against. The hearing was closed.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- This is an application requesting special permits to allow development of a General Large Scale Development with modifications relating to bulk requirements regarding allowable floor area, minimum distances between buildings, minimum distances between windows, walls and lot lines. This application is concurrently under public review with eight (8) other applications that would facilitate the Astoria Cove Project;
- The applicant is proposing to build a 1.762 million square feet project that will include 1723 dwelling units of which 345 units (20% of residential units) will be mandatory affordable housing per the Inclusionary Housing Program. This project would be the first large residential development project to require mandatory affordable housing and is expected to be prototypical in developing the city's affordable housing policy. All parties involved have worked very hard in shaping this requirement;
- Also, included in the project are 54,099 sf of retail space that will feature a 25,000 sf supermarket, a site designated for a 60,657 sf, 456 seat Pre-K to 5 elementary school, a waterfront esplanade, and offstreet accessory parking for 900 vehicles distributed throughout the project;
- The proposed project is expected to generate hundreds of jobs during construction and hundreds of jobs post construction in building maintenance/operations and retail/commercial jobs when completed. The jobs and economic activity generated by this project have the capacity to benefit Queens and New York City;
- The 8.8 acre site is zoned M1-1 and is currently developed with industrial buildings and open lots used for storage and other industrial businesses. The surrounding area is developed with a mix of industrial and residential uses. The major east to west thoroughfares in this area are 27<sup>th</sup> Avenue

and Astoria Boulevard. There are other mapped streets in the area that however are not improved or in use which severely limits access into the peninsula;

- Community Board 1 (CB 1) disapproved this application with conditions by a vote of forty-four (44) against with none (0) opposed or abstaining at a public hearing held on June 17, 2014. CB 1's conditions are summarized as follows:
  - Affordable Units should be permanently affordable and the percentage of such units should be increased to 35% for low, moderate and middle income individuals/families and distributed through each phase and located solely within the project area defined by the General Large Scale Development. CB 1 residents should be given preference to 50% of the affordable units and have equal access to any amenities available to the market rate residents;
  - Project Design should use Quality Housing Program requirements. The market rate and affordable housing should include 2-bedroom units to accommodate family households. No on-street parking should be allowed along the waterfront esplanade to maintain all shorefront views. The project should strive to exceed LEED Gold standards by incorporating innovative sustainable elements into the project. Building mechanicals and fuel storage should be protected from storm surges and flood risks;
  - Parking spaces should be increased to 1.5 spaces per dwelling units, with dedicated spaces allotted by use, one-third of all of these spaces should be designated as self-park for visitors or shoppers, accessory parking should be provided for community facility space; parking should be provided if a Ferry Terminal is designated for Pot Cove;
  - the NYC Department of Transportation and the developer should monitor traffic circulation and parking impacts through construction and completion of all phases of the project and mitigate any impacts that may arise; building materials should be barged in to minimize traffic impacts on local streets; the developer should work to establish ferry service for the area, an Emergency Evacuation Route should be designated and signs erected to delineate staging and destination areas;
  - a portion of the proposed waterfront esplanade should be built in Phase I to provide a Waterfront Public Access Area for the existing community;
  - CB 1 should be consulted by the developer and the NYC Department of Parks regarding any proposed mitigations or receiving sites for the project's open space impacts, a proposed play area should be relocated to a more central and accessible spot and equipped with age appropriate equipment to meet the recreational needs of a wide range of age groups, all open spaces are to be provided with adequate lighting, security gates and kept open to the public, responsibility for construction and maintenance for all open spaces must be identified and memorialized;
  - a Youth Center should be located into a portion of the proposed commercial space for early childhood programs, a new recreational center such as a YMCA or Boys and Girls Club should be built to accommodate the area's older youth and adults;
  - a satellite medical facility operated by a hospital should be located within the proposed commercial space;
  - construction of the school should be mandatory in an early phase, prior to construction the school site should be used as a community recreational space for use by all ages, the school should be built to accommodate early childhood programs such as Head Start;
  - a FRESH Food Supermarket with dedicated parking should be part of the proposed commercial space, internal loading and service areas should be designed into the buildings, such loading and service space should sufficient to meet all commercial needs;
  - Job opportunities ranging from construction to maintenance, retail and security positions should be made available for local residents during and after construction, the developer should work with the construction and building service trades to provide apprenticeship positions leading to permanent employment;
  - the developer should contact the utility and infrastructure agencies to assure adequate service to support the projects needs, the project should use systems that are most energy efficient for the design of the buildings heating, ventilating and cooling systems;
- Petitions were received at the Borough President's public hearing for and against the project. Speakers in favor of the project testified that the project would transform an underutilized waterfront manufacturing site into a more vibrant residential and commercial neighborhood, the project will generate jobs and services. Among the concerns raised by speakers at the hearing who were against the project were increased traffic and congestion, cost and lack of enough affordable housing, lack of accessible open space, concerns about the developer's past labor practices on job sites and that the construction and permanent jobs would not be well-paying with benefits, location of site within flood zone, hazardous materials on the site are not being properly processed;

- The applicant testified that there would be revised applications submitted to increase the proposed number of affordable housing and to make the affordable housing mandatory to development with restrictions based upon the use of public subsidies to generate the affordable housing;

#### RECOMMENDATION

The Mayor, the Departments of City Planning and Housing Preservation and Development are effectively striving to shape and implement regulations that will result in the generation and preservation of enough affordable housing to meet the citywide goal of 200,000 affordable units. This is a very complex issue with many facets that must be identified, weighed and carefully reviewed. I note that the mandatory affordable housing of 20% without subsidy proposed by the City for this project is the first of projects to follow this policy. It is a critical first step towards the goal of creating and preserving 200,000 of affordable housing. The efforts of the Mayor and all agencies are greatly appreciated.

However, although the policy has great merit, because of the above consideration, I hereby recommend disapproval of this and the associated applications for the Astoria Cove Project for the following reasons:

- Community Concerns: The proposed redevelopment of the Astoria Cove site would revitalize an otherwise underutilized Queens waterfront. In addition to revitalization of the waterfront, the project proposes new housing as well as mandatory affordable housing for the first time, a school, a supermarket, services and retail opportunities, as well as jobs during construction and after in the stores and maintenance and operation of the buildings. However, in bringing hundreds of new residents into Astoria, the needs and concerns of the current existing residents, in particular the citywide shortage of much needed affordable housing, and the overall wellbeing of the borough and New York City must also be addressed. At this time there are still outstanding issues with this project which must be meaningfully addressed by whichever entity implements and constructs this proposed project in the future;
- Traffic Impacts: The Draft Environmental Impact Statement has analyzed thirty (30) intersections in and around the proposed project. Analysis shows that fifteen (15) traffic impacted intersections along 27<sup>th</sup> Avenue, Astoria Boulevard, Vernon Boulevard, Hoyt Avenue and 30<sup>th</sup> Avenue would remain either Unmitigated or Partially Mitigated after possible mitigation measures are implemented. These intersections are impacted during the AM and PM peak hours. Traffic impacts would be particularly hard felt by the existing and new community because the project site is located at the northern portion of a peninsula that is serviced by a very limited street network for the entire area;
- Insufficient Mass Transit: Mass transit service for this area is already overburdened. Area residents report that the nearest subway station is operating above capacity. Potential measures to relieve the crowding at this station include added shuttle service to other stations, adding capacity or widening of the stairs, or adding more turnstiles. It is also reported by area residents that the existing bus service does not run frequently enough to meet current transportation needs. More frequent and additional bus service is needed for this area especially as there is new large scale development. As of this date there have been no commitments or funding made available to implement any of these measures;
- Ferry Service: In addition to bus and subway service, alternatives services such as ferries must be considered to relieve the already congested roadway network. This is a waterfront site in an area with limited options in terms of providing additional roadways or other means of access. Therefore, ferries are an alternative transportation mode that would provide more service without further taxing the street network. New ferry service to Astoria could be part of a new commuter option with landings to service other New York City waterfront neighborhoods;
- More Affordable Housing: The proposed mandatory affordable housing for this project would be capped at 20% of residential development per the proposed zoning text amendment. However, even at the proposed levels of affordable housing within the AMI bands, there is still a severe shortage of housing within reach of many lower to middle income households throughout New York City. The projected rents for the proposed affordable housing would still be higher than what current local Astoria residents, who will bear the brunt of the impacts of the proposed project, could afford to pay. The lack of affordable housing has a wide ranging impact as evidenced by the number of families and individuals forced into homelessness and the longer term effect of pricing long-time residents out of gentrifying neighborhoods. The project proposes 1723 total units. There should be a larger percentage of affordable units provided to help meet the need for such housing in this area. CB 1 recommended that there should be 35% affordable housing units;
- School Construction in the earliest phase: The proposed school should be constructed in the earliest phase to meet the existing need for more seats in School District 30 Sub-district 3. The proposed school is scheduled to be built in the last phase of this project. The most recent analysis shows that some schools in the district are operating above capacity while the others are operating at high occupancy rates. The school should be built sooner to proactively assure that there are enough seats to meet current and future needs;



- Area Supermarket: The applicant has proposed a supermarket within the project. There must be assurances that the proposed supermarket will be first and foremost a food market that will provide the area with the highest quality fresh food, produce and prepared foods. There is a great need for such a supermarket because there are very few in the area. In addition to providing quality food to the neighborhood, the supermarket operator should also be willing to hire from the immediate area, pay a living wage with benefits and provide career path training for its workers;
- Skilled Labor: The proposed 1.762 million square feet project will only succeed if it is built by the most skilled and professional workers to assure the quality, durability and safety of the construction. The developer of this site must work with the construction and service workers to provide prevailing wages for development and living wages for the permanent workers. There must be a requirement that all required safety equipment, standards and practices are utilized on the worksite, and that benefits for the workers are provided. There should also be provisions for onsite training and apprenticeships for local area residents that will provide practical work experience and lead to careers which provide a middle class income.



\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

\_\_\_\_\_  
July 30, 2014

\_\_\_\_\_  
DATE