**CITY PLANNING COMMISSION**

July 25, 2022 / Calendar No. 6 N 220353 ZAQ

**IN THE MATTER OF** an application submitted by Astoria Owners LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) for location, area and minimum dimensions of waterfront public access areas and visual corridor, in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the northwesterly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, 100, and the demapped portion of 3rd Street, in an R7-3/C2-4 District.

**WHEREAS**, the City Planning Commission has received an application (N 220353 ZAQ) dated November 9, 2021 from Astoria Owners LLC for the grant of an authorization pursuant to Zoning Resolution (ZR)Section 62-822(a) to modify the requirements of ZR Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a mixed-use development and waterfront public access area at 3-15 26$^{th}$ Avenue (Block 911, Lots 1 and 49) in an R7-3/C2-4 zoning district, Borough of Queens, Community District 1.

**WHEREAS**, implementation of project also requires the following related approvals:

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| **C 220196 ZMQ** | Zoning map amendment to rezone an M1-1 zoning district to a R7-3/C2-4 zoning district |
| **C 220198 ZSQ** | Waterfront special permit to modify bulk requirements |
| **N 220197 ZRQ** | Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area |
| **N 220200 ZAQ** | Waterfront authorization to modify requirements pertaining to location and |

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| | minimum and maximum dimensions of elements within the WPAA and requirements regulating materiality, lighting, and vehicle access |
| **N 220202 ZAQ** | Waterfront authorization to allow phased development of the WPAA |
| **C 220206 MMQ** | City Map change to demap a segment of Third Street north of 26th Avenue |

**WHEREAS**, detailed descriptions of this and the related actions are provided in the report for the related zoning map amendment (C 220196 ZMQ); and

**WHEREAS**, a full summary of the environmental review (21DCP138Q) appears in the report on the related application for a zoning map amendment (C 220196 ZMQ).

**WHEREAS**, this application (N 220353 ZAQ), in conjunction with the applications for the related applications, was reviewed by the City Coastal Commission 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 19-227. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

**WHEREAS**, this application (N 220353 ZAQ), in conjunction with the applications for the related zoning authorizations (N 220200 ZAQ and N 220202 ZAQ), was duly referred to Queens Community Board 1 and the Queens Borough President, on April 6, 2022, in accordance with the procedure for referring non-ULURP matters, in conjunction with the applications for a zoning map amendment, special permit and City Map change (C 220196 ZMQ, C 220198 ZSQ, and C 220206 MMQ), which were certified as complete by the Department of City Planning on March 28, 2022 accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

**WHEREAS**, a summary of the recommendations of Community Board 1 and the Borough President may be found in the report for the related zoning map amendment (C 220196 ZMQ).

**WHEREAS**, the City Planning Commission hereby makes the following findings pursuant to ZR Section 62-822(a)(1):

(i) comply with the required minimum dimensions and equal the required total area, in aggregate; and

(ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas

**WHEREAS**, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 14, 2022, with respect to this application (CEQR No. 21DCP128Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulation, have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memorandum dated July 22, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 220168 ZSQ, those project components related to environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, 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 City Planning Commission, in its capacity as the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this 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 consideration and findings described in this report, the application submitted by Astoria Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of an authorization pursuant to ZR Section 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements For Visual Corridors And Waterfront Public Access Areas) for location, area and minimum dimensions of waterfront public access areas and visual corridor, in connection with a mixed-use development, within a large-scale general development, on property generally bounded by the northwesterly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, 100, and the demapped portion of 3rd Street, in an R7-3/C2-4 District, Borough of Queens, Community District 1, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 220353 ZAQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans prepared by Studio V Architects and Ken Smith Workshop, filed with this application and incorporated in this resolution:

| **Dwg No.** | **Title** | **Last Date Revised** |
|---|---|---|
| | Survey | 06/25/2018 |
| L-100.00 | Waterfront Access Area Plan/Zoning Lot Plan | 07/25/2022 |
| L-110.00 | WPAA Zoning Compliance Chart 1/2 | 07/25/2022 |
| L-111.00 | WPAA Zoning Compliance Chart 2/2 | 07/25/2022 |
| L-200.00 | Dimension Plan | 07/25/2022 |
| L-210.00 | Materials Plan | 07/25/2022 |
| L-220.00 | Grading Plan | 07/25/2022 |
| L-230.00 | Planting Plan | 07/25/2022 |
| L-231.00 | Plant Images | 03/24/2022 |
| L-240.00 | Seating and Furnishings Plan | 07/25/2022 |
| L-250.00 | Exercise Equipment Plan | 07/25/2022 |
| L-300.00 | Sections 1 | 07/25/2022 |
| L-301.00 | Sections 2 | 07/25/2022 |
| L-302.00 | Sections 3 | 07/25/2022 |
| L-400.00 | Landscape Details | 07/25/2022 |
| L-401.00 | Furnishing Details | 07/25/2022 |
| L-402.00 | Furnishing Details | 07/25/2022 |
| LT-100 | Lighting Plan | 07/25/2022 |
| LT-101 | Lighting Photometric Plan | 07/25/2022 |
| LT-102 | Lighting Cutsheets | 07/25/2022 |

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. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached as Exhibit A to the report on the related special permit action (C 220198 ZSQ), with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Queens County; and (b) the WPAA Maintenance Agreement associated with such declaration and attached as Exhibit F thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration 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 or of the restrictive declaration.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (N 220353 ZAQ), duly adopted by the City Planning Commission on July 25, 2022 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**DANIEL R. GARODNICK, Esq.,** *Chair*
**KENNETH J. KNUCKES, ESQ.,** *Vice Chairman*
**DAVID J. BURNEY, LEILA BOZORG, ALFRED C. CERULO, III,**
**JOSEPH DOUEK, RICHARD W. EADDY,**
**ORLANDO MARIN, RAJ RAMPERSHAD**, *Commissioners*

**LEAH GOODRIDGE,** *Commissioner, VOTING NO*