Technical Memorandum—TM002
Halletts Point Rezoning
CEQR Number 09DCP084Q
April 19, 2016

A. INTRODUCTION

On August 9, 2013, the New York City Department of City Planning (DCP), as lead agency, issued a Notice of Completion for the Halletts Point Rezoning Final Environmental Impact Statement (FEIS). The FEIS considered a series of discretionary actions proposed by Halletts A Development Company, LLC that would facilitate a mixed-use development on several parcels on Halletts Point along the East River in Astoria, Queens. The New York City Housing Authority (NYCHA) was a co-applicant for certain discretionary actions. The actions included a special permit (C090486 ZSQ) pursuant to Zoning Resolution (ZR) section 74-743 to modify bulk regulations as part of a large-scale general development (LSGD). With the proposed actions, a project site comprising 328,000 square feet (sf) (7.53 acres, including land underwater) on two parcels—the Waterfront (WF) Parcel and the Eastern Parcel—would be redeveloped with five buildings (Building 1 on the Eastern Parcel and Buildings 2 through 5 on the WF Parcel). In addition, three buildings (Buildings 6 through 8) would be developed on the existing New York City Housing Authority (NYCHA) Astoria Houses Campus (the NYCHA Parcel). As analyzed in the FEIS, the project would contain approximately 2.73 million gross square feet (gsf) of space, consisting of a total of approximately 2.2 million gsf of residential space (2,644 housing units including 2,161 market-rate and 483 affordable housing units); approximately 69,000 gsf of retail space (including an approximately 30,100 gsf retail space designed for supermarket use in Building 1); and approximately 1,347 garage parking spaces and 53 on-site surface parking spaces. Minor modifications relating to the design of the project's open space were made at the time of the project's approval by the New York City Planning Commission (CPC); these modifications were analyzed in a Technical Memorandum dated August 19, 2013 (TM001), which found that the modifications did not materially affect any of the FEIS analyses.

Following publication of the FEIS, the WF and Eastern Parcels were acquired by Halletts Astoria LLC, Halletts Famitech LLC, and Halletts Zavas LLC (collectively, the "Applicant"). Adjustments were made to the approved plans to account for a change in the design flood elevation from the time of the approval of the actions. In addition, the Applicant selected a permitted phasing option that better facilitated construction coordination between adjacent sites and resulted in earlier construction of the affordable buildings that are a part of the project. Adjustments were made to the phased construction schedule and drawings to reflect the adoption of this option. On November 25, 2015, these changes were all found by CPC to be in substantial compliance with the approved actions, and did not affect the findings of the FEIS.

The Applicant seeks a modification to the special permit granted for Halletts A Development Company, LLC, on August 21, 2013, which allowed waivers to bulk regulations as part of a

LSGD pursuant to ZR 74-743. The proposed modification would allow for design changes to the ground floor of Building 1 on the Eastern Parcel (Block 915, Lot 6), located on the block bounded by 27th Avenue to the south, 1st Street to the west, 26th Avenue to the north, and 2nd Street to the east. The modified ground floor would provide for a blackwater treatment facility to reduce the building's water consumption and outflows to the City's sewer system. The facility would be located in an area that was included in an area that was identified in the FEIS as a 24-foot wide walkway adjacent to the southern side of the building.

In addition, the Applicant is proposing modifications to two of the buildings—Buildings 6 and 7, located along 27th Avenue—planned for development on the NYCHA Parcel. In particular, the modifications would allow for a reallocation of floor area between the two buildings and within Building 6, including the transfer of approximately 8,425 square feet of floor area from Building 7 to Building 6 and the reallocation of floor area in Building 6 from the 13th floor to a larger 12th floor. The modifications to Building 7 may also include the removal of the retail space approved on the ground floor and conversion of the space to residential use. These modifications would accommodate the number of affordable residential units that the Applicant has committed to provide in the development, while meeting applicable regulatory requirements.

This Technical Memorandum (TM002) considers the proposed modification to the approved special permit and assesses whether the proposed modifications to the approved Building 1 program, the distribution of floor area between Buildings 6 and 7, and potentially the ground floor uses in Building 7 would have the potential to cause any significant adverse environmental impacts not previously identified in the analyses of the FEIS. As set forth below, this Technical Memorandum concludes that the proposed modification would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF PROJECT MODIFICATIONS

The proposed modification would facilitate alterations to the design of Building 1, located on the Eastern Parcel, the distribution of floor area between Buildings 6 and 7, and potentially the ground floor uses in Building 7, and would not affect any other portion of the LSGD area; in particular, there would be no alterations to the proposed buildings located on the WF Parcel and Building 8 on the NYCHA Parcel (see **Figure 1**).

The modification to Building 1 would expand the ground floor, which would extend into the area designated on the approved LSGD Plans as the East Public Access Area (the "East PAA"). The expanded ground floor would be used to house a blackwater treatment facility, which would provide on-site treatment of wastewater from Building 1. The facility would be similar to other building wastewater reuse systems currently in operation in the city, such as several systems located in residential buildings in Battery Park City, Manhattan. The facility would use a Membrane Bioreactor system to treat residential wastewater, producing "grey water" which would be recycled for use in non-potable systems such as mechanical systems or landscape irrigation. The facility is designed to treat a projected flow of 50,000 gallons per day, and would reduce the building's water consumption as well as outflows to the city's sewer infrastructure, in keeping with the goal of reducing wastewater outflows from the project site. The blackwater facility would be an accessory use to the residential and commercial uses in Building 1, permitted by the applicable zoning regulations. As the blackwater facility would only contain mechanical uses, it would not result in an increase of the building's zoning floor area. In its current design, Building 1 would contain a total of 405 residential units, of which 20 percent would be affordable units, which is less than the 472 units analyzed for the building in the FEIS.

1.7.16



SITE PLAN SOURCE: Studio V Architects

Large Scale General Development and Rezoning Areas

HALLETTS POINT

Figure 1

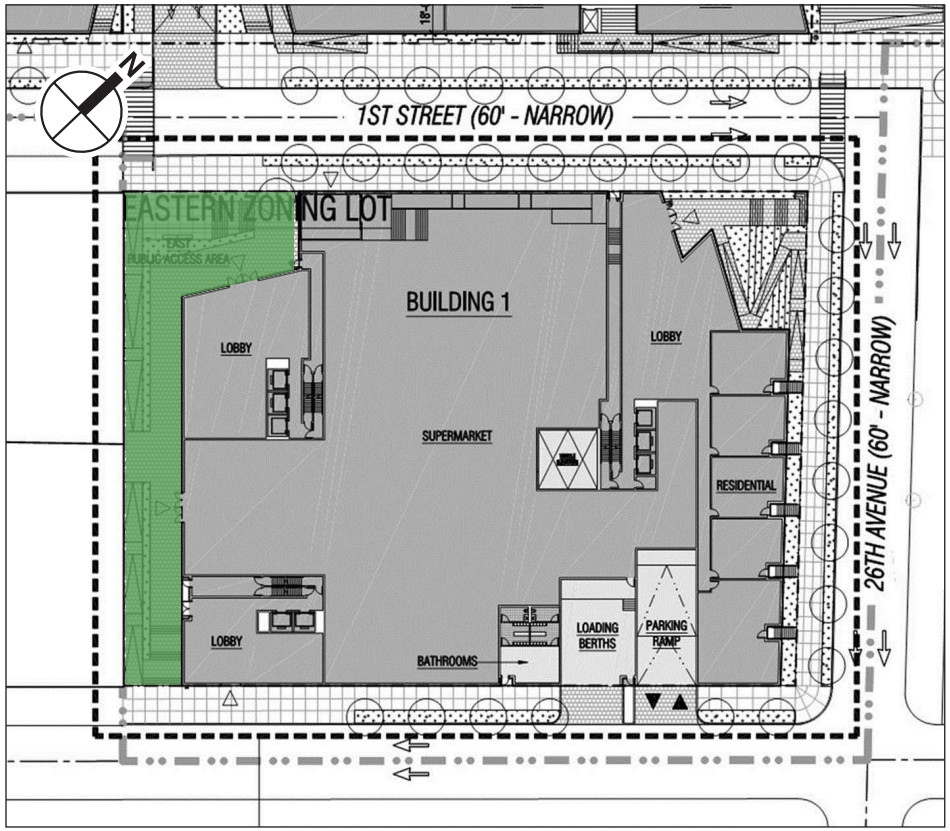
As a result of the expanded ground floor, the 24-foot wide walkway adjacent to the southern side of the building (the East PAA) would not be provided as publicly accessible open space. Although public open space on the East PAA was included in the approved project as analyzed in the FEIS, it was not part of the required waterfront shore public walkway, upland connections, or supplemental waterfront public access areas. With the modified ground floor plan, building entries would no longer be needed from the walkway. Under the current plan, the main building entries would be reduced from five to two: the entrance to the residential portion of the building would be a consolidated lobby accessed from 1st Street, and the supermarket entrance would be located on 2nd Street. Two residential service/move-in entries would be located on 2nd Street (one for each residential tower circulation core): whereas the original scheme functioned with 1st Street as the "front" of the building and 2nd Street as the "back," the development of main public entries on 1st and 2nd Streets serves to activate both streets, and provides improved visibility to and from the street at both entrances, enhancing street presence and security. The modified entries would also result in the supermarket facing east, in order in improve access from the surrounding neighborhood as a whole (see **Figure 2**).

In the refined design, the supermarket zoning floor area is approximately 21,750 square feet (sf), whereas it was up to 25,000 square feet in the original plan. As the supermarket would be less than 25,000 zoning square feet, (the size of a commercial space that requires the provision of a loading dock pursuant to ZR 36-62), the commercial loading berth that was provided on 2nd Street in the approved design has been eliminated. In lieu of a berth, the modified ground floor would include on on-street loading area for the supermarket on 2nd Street, served by an equipment lift.

In addition, the Applicant is proposing modifications to two of the buildings—Buildings 6 and 7, located along 27th Avenue—planned for development on the NYCHA Parcel. As original conceived and analyzed in the FEIS, these buildings would be affordable housing buildings meeting the requirements for affordable housing under the Inclusionary Housing program (IH) administered by the New York City Department of Housing and Preservation (HPD), with a combined total of 340 affordable units. Building 6 was to comprise two separate buildings (buildings 6A and 6B), each with its own central circulation core; Building 6A would include 11 floors, while Building 6B would include 13 floors. With further design, the two separate circulation cores were eliminated to provide for a more efficient building. With a single circulation core, the floor area on the top two floors would be disconnected from the building core and hence unusable; therefore with the proposed modifications, this floor area would be relocated into a larger 12th floor, which would extend along the northern frontage of the building across the two building sections and would connect to the building's core. With the redistributed floor area on the 12th floor, the building's total height would remain below the height limit established by the prior approvals.

In addition, the proposed modifications would allow approximately 8,425 square feet of floor area to be transferred from Building 7 to Building 6: as Building 7 has more floor area available than its envelope permits, and the useable floor area in Building 6 does not fill the envelope of the building, this reallocation would allow the Applicant to maximize the permitted floor area

Approved



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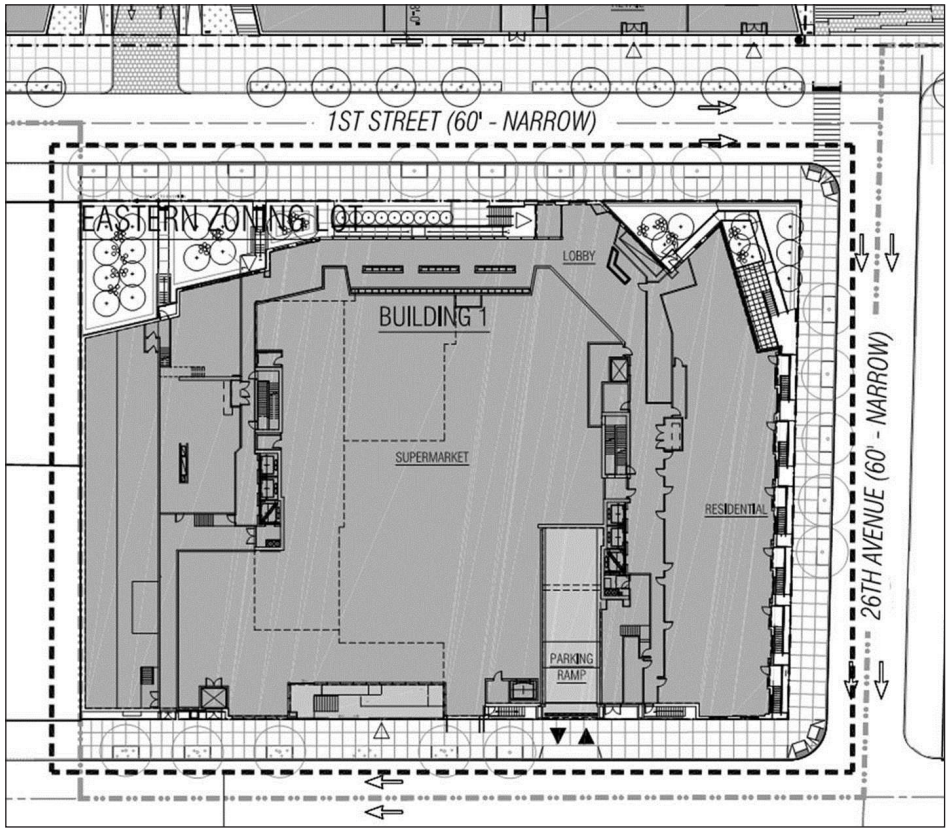


East Public Access Area

Building 1 Ground Floor Plan

Figure 2

within each of the two buildings. In their modified designs, Buildings 6 and 7 would contain a combined total of 337 affordable units.[1]

The proposed modifications to Buildings 6 and 7 would also affect the amount of retail space in each building. In particular, in Building 6, there would be a minor reduction in retail space (approximately 500 square feet) from the program analyzed in the FEIS. In addition, as analyzed in the FEIS, Building 7 was assumed to contain retail space on the ground floor (approximately 8,850 gsf); with the proposed modifications, this space may be repurposed for residential use. Overall, these modifications to Buildings 6 and 7 would provide the floor area necessary to construct the affordable housing units committed to for the two buildings and to comply with IH regulatory requirements, while maintaining the ground floor commercial use in Building 6.

The proposed modification would also relocate the bus layover area for MTA buses, which was included in the approved plan for the Eastern Parcel. Under the approved plan, a bus stop was located on the eastern side of Building 1 on 2nd Street; however, the intended location of the bus stop has since been moved to 27th Avenue. In addition, with the modified ground floor plan for Building 1, all service and loading areas for the building would be located on 2nd Street, which would no longer be able to provide sufficient space for a layover area (the layover area would also present potential conflicts between building service activities and bus operations). As a result, the bus layover area on the 2nd Street side of the building would be relocated southward on the same block closer to 27th Avenue and to the south side 27th Avenue just east of 2nd Street (see **Figure 3**). The Applicant has had discussions with the MTA, which has accepted the relocation of the layover area. In addition, the restroom facility that was included in the approved design for Building 1 for use by MTA employees would be relocated to Building 6, located on the NYCHA Parcel along 27th Avenue, which would be built in a later phase of construction.

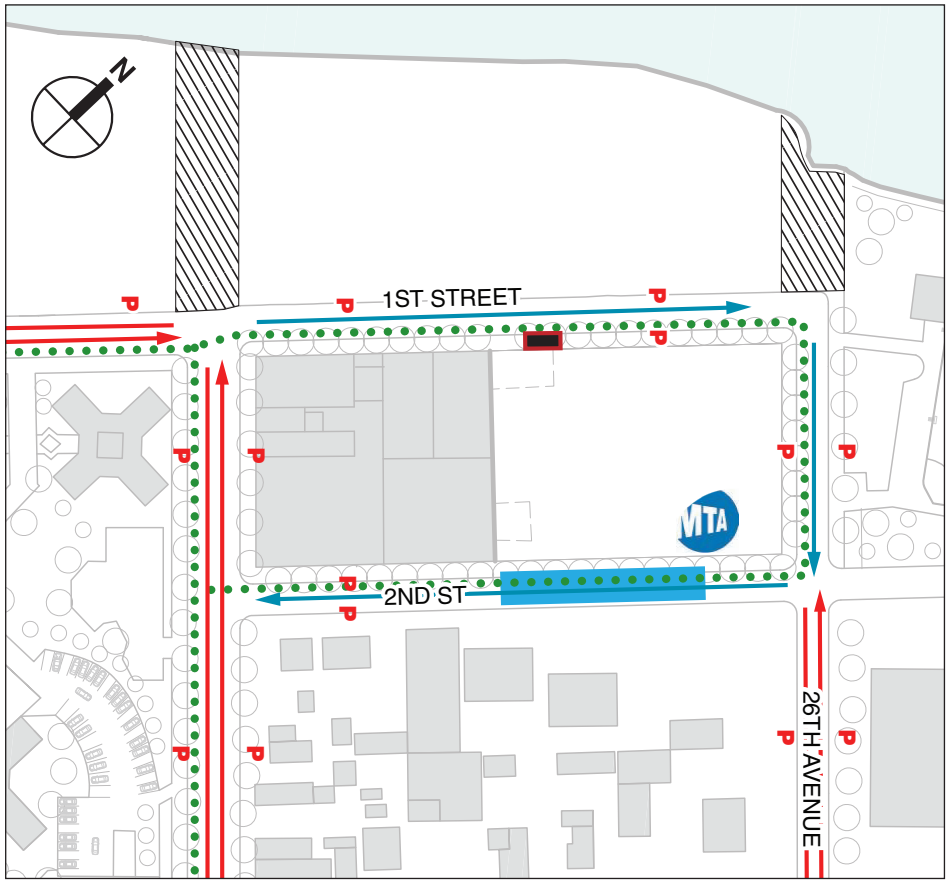
C. ACTIONS NECESSARY TO FACILITATE THE PROPOSED DEVELOPMENT

The Applicant is seeking a modification to the approved special permit to modify bulk regulations as part of a LSGD pursuant to ZR 74-743 to allow for design changes to the ground floor of Building 1, which would include the proposed blackwater facility. The facility would be located in an area that was identified in the original ULURP application as a 24-foot wide walkway adjacent to the southern side of the building (the East PAA), shown on **Figure 2**. The walkway was identified in the original ULURP application as open space, but was not part of the shore public walkway, upland connections or supplemental waterfront public access space required by zoning.

The Applicant proposes to enlarge the ground floor to accommodate this facility and to make modest changes to the landscaping and entryways surrounding the building. As part of the change, a rear yard waiver granted pursuant to the original special permit would no longer be needed (as the area above the ground floor enlargement would be increased from a width of 24 feet to 30 feet).

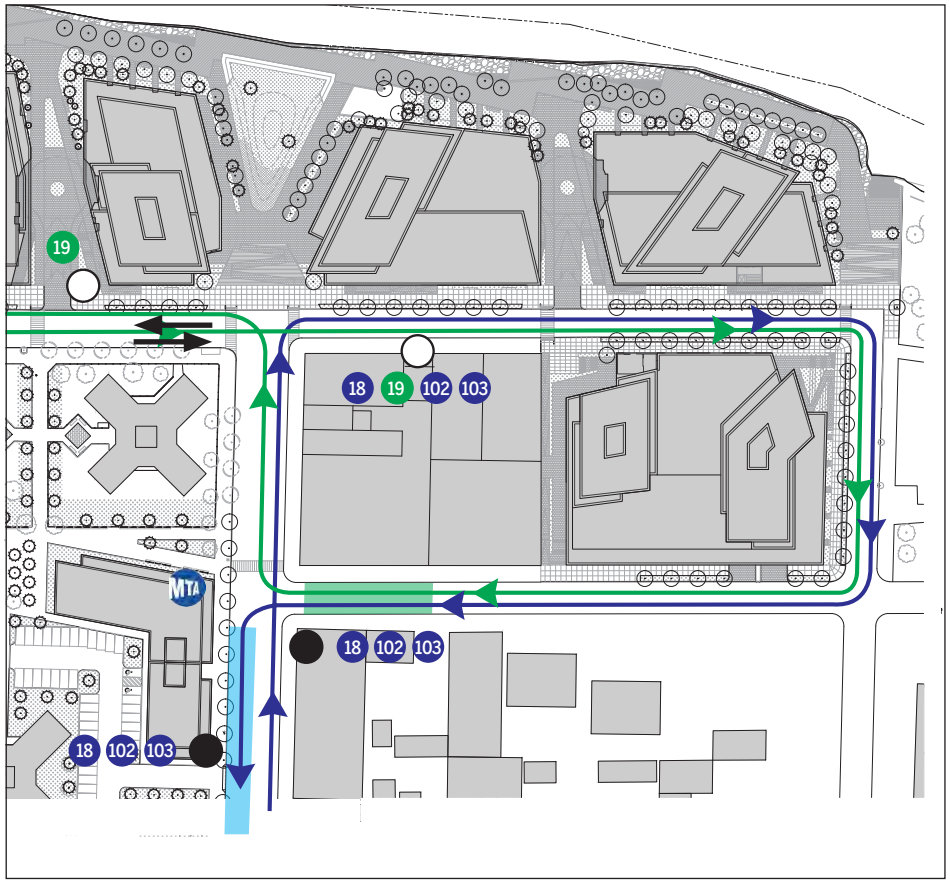
[1] As noted above, the FEIS assumed that Buildings 6 and 7 would contain 340 units; although the current design contains slightly fewer units in these buildings than previously assumed, the project would contain the number of affordable residential units that the Applicant has committed to provide in the overall development.

Original Conditions



Bus Layover Area
Proposed Bus Stop
Direction Of Traffic
Proposed Directional Change
P Street Parking
Bike Route

Modified Conditions



Bus Layover Area 18/102/103
Bus Layover Area 19

Existing Bus Stop
Proposed Bus Stop
18 Bus Route
MTA Employee Restroom
Street Direction

HALLETTS POINT

Bus Layover Area
Figure 3

Modification of the original special permit is also required for the proposed reallocation of floor area in Building 6 from the 13th floor to a larger 12th floor, because the building is subject to height and setback waivers pursuant to the approved special permit. The proposed modifications would not increase the total height of the building or result in floor area being subject to the height and setback waivers in excess of that currently within the waiver area.

Additional changes proposed since the original application include the potential change in use on the ground floor of Building 7 as well as the minor reduction in ground floor commercial floor area in Building 6. Because ground floor retail space was assumed in the program for Building 7 as analyzed in the FEIS, this potential change in use is included in the proposed modifications as analyzed throughout this Technical Memorandum.

D. ANALYSIS FRAMEWORK

As described above, the proposed modification would only result in changes to the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, and would not alter any of the other buildings and open spaces included in the project on the WF Parcel or Building 8 on the NYCHA Parcel. The remaining buildings and open spaces are expected to be constructed in their approved design. While the modifications to Building 6 and the potential modification to the ground floor use on Building 7 would result in a reduction in retail space (up to approximately 9,300 square feet) within the project, the proposed modifications would not result in significant changes to the built program as was analyzed in the FEIS, which would continue to include a total of approximately 2.2 million gsf of residential space (up to 2,644 housing units including up to 2,161 market-rate and 483 affordable housing units). Therefore, the analyses in this Technical Memorandum are limited to the proposed modifications to the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel.

The proposed modifications to the ground floor design of Building 1 (with the construction of a blackwater treatment facility), as well as the reallocation of floor area between Buildings 6 and 7, a potential change in use on the ground floor of Building 7, and the relocation of the MTA bus layover area would not affect the results of the FEIS analyses in the following technical areas: socioeconomic conditions; historic and cultural resources; natural resources; hazardous materials; solid waste; energy; greenhouse gas emissions; noise; public health; and neighborhood character. For the remaining technical areas where the proposed modifications may affect the FEIS analysis, assessments are included below.

E. ANALYSES

LAND USE, ZONING, AND PUBLIC POLICY

LAND USE

The proposed modifications would be limited to the Eastern Parcel, in particular the ground floor design of Building 1, and Buildings 6 and 7 on the NYCHA Parcel. At Building 1, the ground floor would be expanded into the area of the East PAA that was included in the approved design for the parcel and analyzed in the FEIS. The expanded ground floor would be used to house the proposed blackwater facility. As the blackwater facility would only contain mechanical uses, the proposed modifications would not result in an increase of the building's zoning floor area. With the proposed modifications, the ground floor of Building 1 would include a grocery store; this grocery store was included in the design of Building 1 as analyzed in the FEIS, although with

the modified ground floor the grocery store would be approximately 7,000 gsf smaller than what was contemplated in the FEIS. The modified ground floor would also feature different building access for the residential and commercial space than the approved design. Therefore, the proposed modifications would result in minor changes to the design of Building 1 on the Eastern Parcel, which would remain a primarily residential building with a ground-floor grocery store.

The proposed modifications would also reallocate floor area between Buildings 6 and 7, with the transfer of approximately 8,425 square feet of floor from Building 7 to Building 6. In addition, the design of Building 6, which in its original design included separated 13-floor and 11-floor sections served by separate circulation cores, would be modified to provide for a more efficient building, with a larger 12th floor connecting to the building's single circulation core. With this modification, Building 6 would remain within the height and setback envelope established by the approved special permit; as approved, the useable floor area in the building does not fill the envelope, whereas Building 7 has more floor area available than its envelope permits. Therefore, this reallocation would allow the Applicant to maximize the permitted floor area within each of the two buildings. The two buildings would continue to provide 337 affordable housing units combined, and there would be no other changes to the uses in Building 6, which would continue to contain ground floor retail space (approximately 4,000 square feet, a reduction of approximately 500 square feet from the building program analyzed in the FEIS) and a restroom facility for use by MTA employees.

In addition, the Applicant may pursue a change in use on the ground floor of Building 7, with the conversion of retail space to residential use. This potential modification would result in a reduction of approximately 8,850 square feet of retail space in the project. However, the potential change in use, along with the reallocation of floor area to Building 6, would provide the floor area necessary to construct the affordable housing units committed to for the two buildings and to comply with IH regulatory requirements. The modifications would also allow for ground floor retail space to be maintained in Building 6, as well as the restroom area for MTA employees; absent the modifications, the ground floor of Building 6 may be needed for residential use in order to provide sufficient residential floor area, which would eliminate all retail space on 27th Avenue. Therefore, consistent with the previously approved project, retail space would continue to be provided along 27th Avenue, and the proposed modifications would provide for the affordable units committed to for the project, consistent with the project's goal of maximizing affordable housing. The project would continue to be consistent with the city's trend toward the transformation of underutilized industrial parcels on the waterfront to higher-density mixed use development. Similar to the conclusions of the FEIS, the proposed modifications would not have the potential for any significant adverse impacts on land use.

ZONING

Building 1 is located within an R7-3/C1-4 overlay zoning district which was mapped over the WF and Eastern Parcels as part of the prior approvals. Buildings 6 and 7 are located in an R6/C1-4 overlay district (the overlay district was mapped over the existing R6 district as part of the prior approvals).

The blackwater facility in Building 1 that would be introduced with the proposed modifications is permitted as an accessory use under zoning. As approved, the Eastern Parcel was the subject of a CPC special permit pursuant to ZR 74-743 creating a LSGD Plan for the Halletts Point project. The modifications of zoning regulations under the LSGD Plan included a waiver of the rear yard requirements for Building 1 in order to provide the publically accessible open space on

the East PAA. With the proposed modifications, which would eliminate the East PAA and expand the ground floor of Building 1 into this area, the area above the ground floor enlargement would be increased to a width of 30 feet from the lot line (with the East PAA, the area above the ground floor was 24 feet wide, less than the distance required by zoning, which necessitated the waiver under the LSGD). Therefore, with the proposed modifications, the building would comply with the rear yard requirement, and the approved rear yard waiver is not necessary.

In addition, while the proposed modifications would eliminate the approximately 6,550 sf publically accessible open space on the East PAA, this open space was not part of the required shore public walkway, upland connections, or supplemental waterfront public access space. The project would continue to provide 75,396 sf of landscaped and programmed waterfront public access space as required by zoning. The upland connections would also remain in place.

Buildings 6 and 7 were also subject to height and setback waivers pursuant to the previously approved LSGD special permit. These waivers would be modified to permit the reallocation of floor area from Building 7 to Building 6 and the consolidation of the 12th and 13th floors of Building 6 into a single larger 12th floor; as noted above the buildings would remain within the height and setback envelope established by the approved special permit. Even with these modifications to the building designs, Buildings 6 and 7 would continue to provide the affordable residential units committed to by the Applicant. The reallocation of floor area would not require any increase in the approved waivers, nor any new waivers. The potential change in use on the ground floor of Building 7, converting retail space to residential use, is an as-of-right change under zoning that is not subject to the previous approvals, and does not require a modification of the LSGD special permit. Therefore, the proposed modifications to the LSGD Plan would not result in new non-compliances with zoning, and, similar to the conclusions of the FEIS, the proposed modifications would not have the potential for any significant adverse impacts on zoning.

PUBLIC POLICY

The Eastern Parcel is located within the boundaries of New York City's Coastal Zone, therefore, a review of the proposed modifications' consistency with the City's Waterfront Revitalization Program (WRP) is required (attached hereto as **Appendix 1**). An assessment of the Halletts Point project's consistency with the WRP was included in the FEIS, which found that the project would be consistent with all applicable WRP policies. Following completion of the FEIS, the New York City Council approved revisions to the local WRP recommended by DCP. The revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development and both commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and design best practices for waterfront open spaces. In addition, as part of the WRP revisions, the Coastal Zone boundary would be extended further inland in many locations to reflect alterations to FEMA flood zone maps. The revisions to the WRP were recently approved by the New York State Department of State (NYSDOS).[2]

An assessment of the proposed modifications' consistency with the WRP, including revised WRP policies recently adopted, can be found in **Appendix 1**. The proposed modifications have

[2] Approval of the WRP revisions by NYSDOS is applicable for local and state actions; the revisions are still under review by the U.S. Department of Commerce for federal actions.

been reviewed by the DCP Waterfront division, which has determined that the modifications are consistent with WRP policies.

COMMUNITY FACILITIES AND SERVICES

As analyzed in the FEIS, the project would result in significant adverse impacts to elementary schools and child care facilities. As noted above, the proposed modifications are limited to changes to the design of the Eastern Parcel and would not affect the overall build program of the project, which would continue to include a total of up to 2,644 housing units including up to 2,161 market-rate and 483 affordable housing units). Therefore, the proposed modifications would not affect the findings of the elementary schools and child care facilities analyses.

As mitigation of the identified significant adverse impact to elementary schools, land to accommodate a new 1,057 seat elementary and intermediate public school facility would be provided on the Astoria Houses campus to the New York City School Construction Authority (SCA). As stated in the project's Restrictive Declaration, this mitigation is required upon completion of construction of 849 residential units in the development. Similarly, as mitigation of the identified significant adverse impact to child care facilities, the Applicant is required to coordinate with the New York City Administration for Children's Services (ACS) to consider the need for and implementation of measures to provide additional capacity, if needed, in child care facilities. These potential measures include provision of suitable space on-site for a child care center, provision of a suitable location off-site and within a reasonable distance, or funding or making program or physical improvements to support additional capacity. As stated in the project's Restrictive Declaration, this mitigation is required upon completion of 140 affordable residential units in the development.

In its current design, Building 1 would contain a total of 405 residential units, of which 20 percent would be affordable units (81 units). Buildings 6 and 7, which would contain a total of 337 affordable units, would be constructed during a later phase of project development. While occupancy of Building 1 would not trigger the required mitigation measures noted above, completion of Building 7, which is expected to be the first affordable housing building completed, would trigger the mitigation requirement for child care facilities. The elementary school mitigation requirement would be undertaken at a later phase of project development. Overall, the proposed modification would not result in any new or different significant adverse environmental impacts on community facilities and services not already identified, and would not affect the findings of the FEIS in this area.

OPEN SPACE

As compared to the project as analyzed in the FEIS, the proposed modifications would eliminate the East PAA, a 24-foot wide walkway adjacent to the southern side of Building 1 that was included in the approved design of the Eastern Parcel. The FEIS considered a total of 2.43 acres of publically accessible open space that would be created as a result of the project, including a waterfront esplanade, a plaza and lawn area at 27th Avenue, five new upland connections between the waterfront and 1st Street, and the East PAA. As a result of the proposed modification, the development of the Eastern Parcel with Building 1 would not provide the

approximately 6,550 square feet (approximately 0.15 acres) of passive open space in the Eastern PAA that was included in the FEIS open space analysis.[3]

The reduction in the amount of publically accessible open space that would be provided by the project would affect the open space ratios in the residential open space study area (Queens Census Tracts 77, 79, 81, 83, 87, and 91) analyzed in the FEIS. With the proposed modification, the project would create a total of 2.28 acres of open space, with 1.58 acres of passive open space and 0.70 acres of active open space. Therefore, in the future with the project, the total amount of open space in the study area would increase to approximately 34.05 acres of open space, with 19.29 acres of active open space and 14.77 acres of passive open space. As with the project as analyzed in the FEIS, the open space ratios pertaining to the residential populations would decrease as compared to the conditions in the future without the project (see **Tables 1 and 2**).

Table 1
Future with the Modified Project: Adequacy of Open Space Resources

2022 Total Population*	Open Space Acreage			Open Space Ratios per 1,000 Residents			DCP Open Space Guidelines		
	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
28,209	34.05	19.29	14.77	1.21	0.68	0.52	2.5	2.0	0.5
Notes: *See study area population calculations in FEIS Chapter 6, "Open Space."									

Table 2
No Build to Build Change in Open Space Ratios

Ratio	DCP Guideline	No Build Ratio*	Proposed Build Ratio	Proposed Percent Change
Total/residents	2.5	1.44	1.21	-16.3%
Passive/residents	0.5	0.60	0.52	-12.6%
Active/residents	2.0	0.84	0.68	-19.0%
Notes: *See No Build open space ratio calculations in FEIS Chapter 6, "Open Space."				

With the proposed modification, the project would result in slightly larger decreases in the total and passive open space ratios in the study area than analyzed in the FEIS: the total open space ratio would decrease by 16.3 percent (compared to 16.0 percent in the FEIS) and the passive open space ratio would decrease by 12.6 percent (compared to 11.7 percent in the FEIS). The active open space ratio would decrease by 19.0 percent, the same amount as in the FEIS (see **Table 3**). As with the project as analyzed in the FEIS, the total and active open space ratios would be below the City's open space planning guidelines (2.5 and 2.0 acres per 1,000 residents, respectively) but would meet the planning guideline for passive open space (0.5 acres per 1,000 residents).

[3] The proposed modifications to Buildings 6 and 7 on the NYCHA parcel would not affect the number of residential units included in the project and would not affect any of the project's open space areas, therefore these modifications would not affect the open space analysis.

Table 3
Percent Change in Open Space Ratios

Ratio	Percent Change (FEIS)	Percent Change (Proposed)	Increment
Total/residents	-16.0%	-16.3%	0.3%
Passive/residents	-11.7%	-12.6%	0.9%
Active/residents	-19.0%	-19.0%	-

Because the project would result in a decrease of more than 5 percent in the total, active, and passive open space ratios, the project was identified in the FEIS as resulting in a significant adverse impact with regard to open space in the residential study area. With the proposed modifications, the significant adverse impact would be similar to the significant adverse open space impact identified in the FEIS. As noted in the FEIS, in order to address the significant adverse impact on open space, the Applicant is required to complete capital improvements to Halletts Point Playground, including resurfacing the existing blacktop, restriping play areas, painting and repairing benches, and replacing basketball backboards and baseball backstops.

The proposed modifications would not affect these improvements required as partial mitigation of the identified significant adverse impact on open space. As noted in the project's Restrictive Declaration, the partial mitigation measures are required once construction of the project has created 866 or more residential units. As noted above, Building 1 would contain 405 residential units, therefore the required mitigation would still be undertaken at a later phase of project development.

Overall, the proposed modification would not result in any new significant adverse open space impacts beyond the impacts identified in the FEIS, and the significant adverse impacts would continue to be partially mitigated through the provision of the approved open space improvements.

SHADOWS

As analyzed in the FEIS, the Halletts Point project would result in new shadows on several nearby sunlight-sensitive resources, including open spaces (the Hallet's Cove Esplanade, Halletts Point Playground, Whitey Ford Field, and the open spaces on the NYCHA Astoria Houses campus) and the East River. The proposed modifications would result in only one alteration (the consolidation of the 12th and 13th floors of Building 6 into a single larger 12th floor) that would affect the shadows cast by the buildings, as the other modifications are limited to the ground floor of Building 1 and potentially the ground floor of Building 7. The modification to the upper floors of Building 6 would result in slightly different shadows than analyzed in the FEIS, which would be limited to the open space resources on the Astoria Houses campus adjacent to the Building 6 site. The incremental shadow created by the modified design of Building 6 would be minor compared to the shadows cast by the larger buildings on the WF and Eastern Parcels, which would have the greatest effect on the open spaces along the waterfront and the East River. As noted in the FEIS, the project would not result in shadows that would fully eliminate direct sunlight such that it would affect vegetation or the usability of open spaces, and would not result in any significant adverse shadows impacts. The proposed modifications are not expected to result in substantially different shadows that would result in new significant adverse impacts, and would not affect the findings of the FEIS in this area.

URBAN DESIGN AND VISUAL RESOURCES

The proposed modifications would result in certain changes to the design of Buildings 1 and 6, and potentially Building 7, which would affect the pedestrian experience near the project site. In particular, the proposed modifications would result in the approximately 24-foot horizontal extension of Building 1's footprint into the East PAA. The expanded first floor would allow for the proposed blackwater facility at this location. The modifications to Building 1's ground floor would also involve the relocation and consolidation of the building's entrances. The original design as analyzed in the FEIS included five primary building entrances located on the western side of the building (facing 1st Street), which served as the "front" of the building. These included residential entrances and an entrance to the supermarket accessed through the public walkway in the East PAA. With the modified ground floor design for Building 1, the main building entrances would be reduced from five to two: the residential entrance would continue to be located on the building's primary 1st Street facade, along with service and move-in entries for the two residential towers, and the supermarket entrance would be located on 2nd Street (**Figures 4 and 5** show renderings of the modified 1st and 2nd Street ground-floor frontages). While these modifications to the residential and commercial entrances would result in some changes to the pedestrian experience of the building's ground floor, these modifications would not adversely affect the pedestrian experience of the building as the building's uses would continue to activate and enhance the pedestrian experience. Further, expansion of the ground floor, the elimination of the pedestrian walkway, and the changes in locations of building entrances would not substantially alter the building's overall massing or form, with the building continuing to have two residential towers rising from a podium base (**Figure 6** shows a rendering of the building). Although a public walkway on the East PAA would not be provided with the proposed modifications, this change would not adversely affect pedestrian access to the waterfront, as pedestrian access would continue to be provided from nearby streets and from the upland waterfront access areas provided on the WF Parcel. With these proposed modifications to Building 1, the project would continue to provide the required waterfront shore public walkway, upland connections to the waterfront, and supplemental waterfront public access areas. While the expanded ground floor would extend the building's streetwall on both 1st and 2nd Streets in the area where a public walkway had been proposed, the building's expanded ground floor would not adversely affect the urban design of the project site or the pedestrian experience of the building.

The modifications to Buildings 6 and 7 would minimally affect the pedestrian experience of these buildings. The changes to these buildings would be limited to the upper floors of Building 6 (with consolidation of the 12th and 13th floors into a single larger 12th floor) and a potential change in use on the ground floor of Building 7. Both buildings would continue to enliven the surrounding streets with new, active ground floor uses on 27th Avenue and the proposed changes to the upper floors of Building 6 could result in changes to the cladding and openings at the building's upper floors. The modifications to these two buildings would be modest and would not result in any adverse impacts to the urban design character of either building or the surrounding area, nor would the proposed changes to these buildings result in any adverse impacts to the visual character of either building or the surrounding area.

Overall, the modifications to Buildings 1, 6 and 7 would not result in any significant adverse impacts to the urban design characteristics of the project site or surrounding area. Nor would the proposed modifications to these buildings adversely affect the pedestrian experience of the surrounding area. Therefore, the proposed modifications, compared to the original designs as analyzed in the FEIS, would not result in any significant adverse impacts to urban design and



Building 1 - View Looking Northwest from 2nd Street



Building 1 - View Looking Southeast from 1st Street



Building 1 - View Looking Southeast

visual resources, and would not affect the urban design and visual resources findings of the FEIS.

WATER AND SEWER INFRASTRUCTURE

As described in the FEIS, the Halletts Point project would not result in any significant adverse impacts on the city's water supply, wastewater or stormwater conveyance and treatment infrastructure, including the retention and detention measures required by the New York City Department of Environmental Protection. The FEIS also noted that new sanitary sewer infrastructure would be constructed as part of the project. As described above, the blackwater facility for Building 1 that would be constructed with the proposed modifications would treat residential wastewater from the building, producing "grey water" which would be recycled for use in non-potable systems such as mechanical systems or landscape irrigation. The treatment system consists of a membrane bioreactor followed by a multiple barrier approach for disinfection, with an ozone generation and contacting system, used for oxidation and color removal, followed by an ultraviolet light system for additional disinfection. Effluent water quality would meet the reuse standards established by the NYC Department of Buildings. The facility is designed to treat a projected flow of 50,000 gallons per day.

The proposed modifications would not affect the overall build program of the project, and the proposed blackwater facility would reduce the Building 1's water consumption as well as outflows to the city's sewer infrastructure. Similarly, the proposed modifications would not result in a significant increase in stormwater runoff from the Eastern Parcel, as the expansion of Building 1's ground floor into the walkway area would result in only a minor increase in fully impervious rooftop space. Therefore, with the proposed modifications, total water consumption and wastewater generation would be less than the estimates included in the FEIS, and stormwater generation would be similar to the estimates included in the FEIS. The proposed modifications would also not affect the stormwater Best Management Practices (BMPs) included in Building 1 as part of the project's Stormwater Pollution Prevention Plan (SWPPP) as described in the FEIS. Similar to the conclusions of the FEIS, the proposed modifications would not have the potential for any significant adverse impacts on water and sewer infrastructure.

TRANSPORTATION

As described above, the proposed modifications would result in a slightly smaller development program at Building 1. With approximately 70 fewer residential units and a supermarket that would be approximately 7,000 gsf smaller than what was contemplated and analyzed in the FEIS, there would be fewer trips generated by Building 1. Because the proposed supermarket would be less than 25,000 gsf in size, an on-site loading berth would also no longer be required per zoning. Loading/unloading of goods delivery would instead take place along curbside and transported in and out of the supermarket via a service entrance. In addition to these changes, site entrances have been modified to accommodate the proposed building layout, the East PAA would be eliminated, and the bus layover area on the 2nd Street side of the building would be relocated southward on the same block closer to 27th Avenue and to the south side 27th Avenue just east of 2nd Street. The Applicant has discussed the layover relocation with the MTA, who has accepted the change. The relocation of the bus layover area is expected to be undertaken along with the other changes to the street network included with the project, which are expected to be undertaken concurrently with construction of the adjacent buildings. As noted in the FEIS, 1st Street would become one-way northbound, 2nd Street would become one-way southbound,

and 26th Avenue would become one-way eastbound between 1st and 2nd Streets. The relocation of the bus layover area would occur once these street direction changes are in place.

TRAFFIC

The slightly lower level of trip-making from Building 1 associated with the proposed modifications is not expected to materially affect the overall travel demand from the Halletts Point development project. Since vehicular access to Building 1 would remain unchanged and the relocation of layover areas would not affect the routing of the MTA buses that serve the area, there would essentially be no change in the conditions portrayed in the FEIS. As with the layover location contemplated in the FEIS, curbside restrictions would still need to be imposed, in this case for loading and unloading needs of the supermarket. Based on a letter from the MTA to the Applicant dated January 27, 2016, the layover area would need to be 220 feet long. Along the south side of 27th Avenue, just east of 2nd Street, there is an existing bus stop that is currently also being used as a layover area (shown on **Figure 3**). In order to accommodate the relocated layover area, the bus stop would need to be relocated further east along 27th Avenue, toward 3rd Street. In addition, approximately five on-street parking spaces on the south side of 27th Avenue would be eliminated. At the southbound 2nd Street approach to 27th Avenue, the west curb is currently used for on-street parking. Up to approximately 150 feet (or six to eight parking spots) of curb space would be replaced with bus layover regulations.

As part of the FEIS's proposed set of mitigation measures, the intersection of 27th Avenue and 2nd Street would be signalized. The analysis conducted for this intersection assumed that one wide lane on 2nd Street would be available. Replacing some of the west curb's parking with a bus layover would not alter the operations of southbound traffic along 2nd Street. Therefore, the proposed modifications would not have the potential to result in new significant adverse traffic impacts that were not previously disclosed in the FEIS.

TRANSIT

Since there would not be an increase in trip-making or change in transit services associated with the proposed modifications, there would not be a potential for new significant adverse transit impacts that were not previously disclosed in the FEIS.

PEDESTRIANS

The FEIS's pedestrian study area encompassed sidewalk, corner reservoir, and crosswalk elements near the 30th Avenue N/Q and 21st Street-Queensbridge subway stations and, near the Halletts Point project sites, only critical locations along 27th Avenue. Although the proposed modifications would result in some changes in pedestrian flow surrounding Building 1 (due to the elimination of the East PAA and relocated building entrances), trip-making at the analyzed pedestrian elements would remain largely the same, with slight decreases in pedestrian volumes expected from the small reduction in Building 1's development program. Therefore, the proposed modifications would not have the potential to result in new significant adverse pedestrian impacts that were not previously disclosed in the FEIS.

VEHICULAR AND PEDESTRIAN SAFETY

Recent crash data collected as part of the FEIS concluded that the proposed Halletts Point project would not be expected to result in any significant adverse vehicular and pedestrian safety

impacts. With slightly lower trip-making, the proposed modifications would similarly not result in the potential for any significant adverse vehicular and pedestrian safety impacts.

PARKING

The FEIS concluded that new parking provided by the Halletts Point development would be expected to accommodate most of the projected parking demand, with some of the demand accommodated by on-street parking nearby or within ½-mile from the project sites. The displacement of five additional parking spaces on 27th Avenue and six to eight additional parking spaces on 2nd Street from the bus layover relocation described above would not be expected to affect the area's overall parking supply and demand. In addition, the project may include fewer residential units than analyzed in the FEIS, therefore there would be reduced demand for parking. Therefore, similar to the conclusions of the FEIS, the proposed modifications would not have the potential for any significant adverse parking impacts.

AIR QUALITY

BUILDING 1

As noted above, the proposed modifications would include a blackwater treatment facility, which would provide on-site treatment of wastewater from Building 1. The treatment system equipment and controls would be housed in a process/control room. The process tanks would be fully enclosed and ventilated through an activated carbon treatment system to control air emissions. The activated carbon system would be designed to remove compounds typically associated with wastewater systems, including hydrogen sulfide and other sulfur based compounds. No significant adverse air quality impacts are anticipated from the blackwater treatment facility.

Building 1 includes an (E) Designation for air quality listed in the DCP (E) Designation database (E-309), established as part of the FEIS. The (E) designation for air quality contains restrictions for heating, ventilation and air conditioning (HVAC) systems. The (E) designation requires that any new development on the Eastern Parcel must locate the HVAC stack(s) on the northern tower (Building 1B) and least 238.4 feet above grade, and should be located at least 240 feet away from any operable windows or air intakes on the tallest portion of Building 2 (located to the east of the Eastern Parcel on the WF Parcel).

An Air Quality Remedial Action Plan (RAP) to document that the stack height and set-back requirements are met will need to be submitted to the New York City Office of Environmental Remediation (OER), which is the City agency currently responsible for ensuring compliance with (E) designations. To the extent that the HVAC design for Building 1 results in conditions that differ from the requirements specified in the (E) designation, further analysis would be required to demonstrate that the design would not result in any significant adverse air quality impacts, which would be provided as part of the RAP application.

BUILDINGS 6 AND 7

The proposed modifications would reduce the maximum height of Building 6 by eliminating the 13th residential floor on a portion of the building. The residential area would be shifted to the lower portion of the building, thereby resulting in a development with 12 floors and a single maximum height of 120 feet. However, since the air quality analysis presented in the FEIS determined that Building 6 would not result in any significant adverse air quality impact on other

existing or proposed buildings, the modifications to Building 6 would not result in any air quality impacts.

For Building 7, the proposed modifications would reduce the floor area by 8,425 square feet, but would otherwise not affect the overall building height. Therefore, no further analysis of Building 7 would be required. Overall, the proposed modifications would not result in any significant adverse air quality impacts not previously disclosed in the FEIS.

CONSTRUCTION

The proposed modifications would not affect the project's phasing and construction schedule. Demolition permits from the Department of Buildings (DOB) have been obtained for the Eastern Parcel, and construction of Building 1 is anticipated to begin in the first quarter of 2016. Completion of the full Halletts Point project is expected to proceed following the approved phasing plan and incorporating all of the project components related to the environment (PCREs) and mitigation measures relating to construction as required by the project's Restrictive Declaration. Therefore, the proposed modification would not affect the results of the FEIS construction analysis, and would not have the potential to result in new significant adverse construction impacts that were not previously disclosed in the FEIS.

APPENDIX 1
WATERFRONT REVITALIZATION PROGRAM ASSESSMENT

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Halletts Astoria LLC, Halletts Famitech LLC, and Halletts Zavas LLC

Name of Applicant Representative: Carol Rosenthal, Fried, Frank, Harris, Shriver & Jacobson LLP

Address: One New York Plaza, New York, NY 10004

Telephone: 212-859-8495 Email: carol.rosenthal@friedfrank.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Applicant is seeking modifications to the approved Halletts Point project, a mixed-use development on several parcels on Halletts Point along the East River in Astoria, Queens. This includes design changes to the ground floor of Building 1 on the Eastern Parcel to provide for a blackwater treatment facility in an area that was included in the approved plan as a 24-foot wide walkway adjacent to the southern side of the building; modifications to two of the buildings—Buildings 6 and 7—planned for development on the NYCHA Parcel to allow for a reallocation of floor area between the two buildings and the reallocation of floor area in Building 6 from the 13th floor to a larger 12th floor; the potential removal of the retail space approved on the ground floor of Building 7 and conversion of the space to residential use; and the relocation of a bus layover area for MTA buses, which was included in the approved plan for the Eastern Parcel.

2. Purpose of activity

The expanded ground floor of Building 1 would be used to house a blackwater treatment facility, which would provide on-site treatment of wastewater and would reduce the building's water consumption as well as outflows to the city's sewer infrastructure, in keeping with the goal of reducing wastewater outflows from the project site. The reallocation of floor area between Buildings 6 and 7 would allow the Applicant to maximize the permitted floor area within each of the two buildings and provide the floor area necessary to construct the affordable housing units committed to for the two buildings and to comply with IH regulatory requirements. In addition, the modifications to of Building 6 would provide for a more efficient building, with a larger 12th floor connecting to the building's single circulation core.

C. PROJECT LOCATION

Borough: Queens Tax Block/Lot(s): B 915, L 6 (Eastern Parcel); B 490, L 101 (NYCHA Parcel)

Street Address: N/A

Name of water body (if located on the waterfront): N/A

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☐ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☑ Special Permit
  (if appropriate, specify type: ☑ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☑ Yes ☐ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☑ Yes ☐ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
   ☐ Priority Martine Activity Zone (PMAZ) (*3.5*)
   ☑ Recognized Ecological Complex (REC) (*4.4*)
   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☑	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☐	☐	☑
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☑	☐	☐
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☑	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☑	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☑	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☑	☐	☐
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☑	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☑	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☑	☐	☐
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☐	☐	☑
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☑
8.3	Provide visual access to the waterfront where physically practical.	☐	☐	☑
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☑	☐	☐

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☑	☐	☐
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: _____

Address: _____

Telephone: _____ Email: _____

Applicant/Agent's Signature: _____

Date: _____

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3525
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.

This section assesses the proposed modifications' consistency with the WRP, including revised WRP policies currently undergoing review. For each policy and sub-policy question that was answered "yes" in the WRP Consistency Assessment Form included in the FEIS, as well as new or revised policy questions that are applicable to the project, this analysis includes a discussion of the proposed modifications' consistency with the respective policy.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

The proposed modifications would be limited to the design of the ground floor of Building 1 on the Eastern Parcel, the distribution of floor area between Buildings 6 and 7 on the NYCHA Parcel, and potentially the ground floor uses Building 7, which would remain primarily residential buildings that include retail space and a ground floor grocery store, as was analyzed in the FEIS. With the proposed modification, as with the approved project, redevelopment of the Eastern and NYCHA Parcels with the modified Building 1, 6, and 7 designs would transform a largely underused waterfront area into a new, enlivened mixed-use development. The proposed modifications would not affect the other components of the approved project that are intended to enliven the waterfront area, including the publically accessible waterfront esplanade with upland connections. Therefore, with the proposed modifications, the project would continue to be consistent with Policy 1.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

As noted in the FEIS, the Halletts Point project would not involve industrial or water-dependent uses, and there are no water-dependent uses on WF, Eastern, and NYCHA Parcels. The proposed modifications would not affect any of the buildings planned along the waterfront on the WF Parcel, and, as noted above, redevelopment of the Eastern and NYCHA Parcels would transform a largely underused waterfront area into a new, enlivened mixed-use development, which is consistent with recent trends toward mixed-use development in formerly industrial and manufacturing areas along the waterfront. Therefore, with the proposed modifications, the project would continue to be consistent with Policy 2.

Policy 2.4[4]: Provide infrastructure improvements necessary to support working waterfront uses.

As noted in the FEIS, the Halletts Point project includes improvements to stormwater and sanitary sewer infrastructure to support the new development, including new stormwater outfalls and sanitary sewers. The blackwater facility that would be introduced with the proposed modifications would reduce Building 1's water consumption as well as outflows to the municipal water system, in keeping with the goal, discussed in the FEIS, of reducing wastewater outflows from the project site. The proposed modifications would not affect any

[4] At the time of the FEIS, this policy was listed as Policy 2.3; under the proposed revisions to the WRP, the policy is now Policy 2.4.

of the other infrastructure improvements that are planned as part of the project. Therefore, the project would continue to be consistent with Policy 2.4

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.3[5]: Minimize conflicts between recreational boating and commercial ship operations.

As noted in the FEIS, the project would not include new facilities for recreational boating. The proposed modifications would only affect the development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, which are not located on the waterfront. Therefore, the proposed modifications would not have the potential to result in conflicts between recreational boating and commercial ship operations, and the project would continue to be consistent with this policy.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.4[6]: Identify, remediate and restore ecological functions within Recognized Ecological Complexes

The Halletts Point project is located in the area of the Hallet's Cove Recognized Ecological Complex (REC), as identified in Part III of the WRP. The proposed modifications would only affect development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, which are not located on the waterfront, therefore the Policy 4.4's objective of incorporating restoration of ecological complexes is not applicable to the proposed modifications. As described in the FEIS, the Halletts Point project would not result in adverse impacts to NYSDEC tidal wetlands, water quality, and aquatic biota.

Policy 4.5[7]: Protect and restore tidal and freshwater wetlands

The proposed modifications would only affect the development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, which are not located on the waterfront. Therefore, the proposed modifications would not have the potential to affect tidal and freshwater wetlands. As discussed in the FEIS, the Halletts Point project includes construction activities within areas regulated as NYSDEC tidal wetlands or NYSDEC tidal wetland adjacent areas. These construction activities, which were determined to not result in adverse impacts to NYSDEC tidal wetlands, would not be affected by the proposed modifications. As discussed in the FEIS, measures to minimize potential impacts to existing NYSDEC-designated littoral zone tidal wetlands, water quality, and aquatic biota, including a Stormwater Pollution Prevention Plan, would be implemented. Therefore, the project would continue to be consistent with this policy.

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[5] At the time of the FEIS, this policy was listed as Policy 3.2; under the proposed revisions to the WRP, the policy description was revised and is now Policy 3.3.

[6] At the time of the FEIS, Hallet's Cove was not identified as a Recognized Ecological Complex (REC), but is listed as an REC under the proposed revisions to the WRP.

[7] At the time of the FEIS, this policy was listed as Policy 4.2; under the proposed revisions to the WRP, the policy is now Policy 4.5.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

As noted in the FEIS, the Halletts Point project would improve the management and treatment of stormwater entering the East River from the project site. Stormwater management measures implemented within the WF Parcel would improve the quality of stormwater discharged to the East River, reducing potential impacts to NYSDEC littoral zone tidal wetlands and aquatic resources due to the discharge of runoff from this parcel, which is currently discharged untreated. Stormwater management measures implemented within the NYCHA and Eastern Parcels would regulate the rate at which runoff is discharged to the DEP storm sewer and then to the East River through the existing outfalls. The proposed modifications would only affect the development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel and would not affect these improvements. In addition, the proposed modifications would introduce a blackwater facility in Building 1 that would reduce outflows to the municipal water system in keeping with the goal of reducing wastewater outflows from the project site. Therefore, the project would continue to be consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

The Halletts Point project includes shoreline stabilization and outfall construction within the project site; however, the proposed modifications would only affect the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, which are not located on the waterfront, and would not affect construction activities along the shoreline. Shoreline construction activities would continue to be conducted in compliance with applicable regulations and would implement erosion and sediment control measures which would minimize potential impacts on the East River. Therefore, the project would continue to be consistent with this policy.

Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion.

The Eastern Parcel is located within the 100-year floodplain (Zone AE); in addition, a portion of the NYCHA Parcel (which includes the site of Building 6) is located within the 100-year floodplain (Zone AE)[8]. As noted in the FEIS, the design and construction of all buildings as part of the Halletts Point project would comply with *New York City Building Code* requirements for construction within the 100-year floodplain for the applicable building category. As described above, following completion of the FEIS, adjustments were made to the approved plans to account for a change in the design flood elevation from the time of the approval of the actions. On the Eastern Parcel, it was determined that the base flood elevation (BFE) of the site is 13 feet NAVD88; on the portion of the NYCHA Parcel that includes Building 6, the BFE is 12 feet NAVD88. Accounting for one foot of freeboard, as required under the *Building Code*, Building 1 has been designed with a design flood elevation (DFE) of 14 feet NAVD88, and Building 6 has been design with a DFE of 13 feet NAVD88.

As designed, the residential space on ground floor of Building 1 (located on the northern side of the building facing 26th Avenue) would be located at the DFE of 14 feet NAVD88. Only the building's cellar and portions of the ground floor on the eastern and western sides of the building would be located below the DFE; these areas would contain commercial space (the grocery

[8] Building 7, which is located further inland along 27th Avenue, is not within the 100-year floodplain.

store), lobby and circulation space, mechanical space, and parking. All spaces below the DFE would be dry floodproofed.

At Building 6, residential space would be located on the ground floor on the western side of the building; this portion of the building (including the residential lobby) would be located at an elevation of approximately 14.68 feet NAVD88, 1.68 feet above the DFE. On the northern side of the building, the ground floor would contain the retail space and the MTA restroom, which would be located at an elevation of between approximately 11 to 12 feet NAVD88. There would be no cellar level in the building. Therefore, only the non-residential space on the ground floor would be located below the DFE. The retail space and the MTA restroom would be dry floodproofed, while the remaining spaces below the DFE would be protected using wet floodproofing measures.

In addition, removable flood barriers would be employed at vulnerable points in both buildings, such the entries on the eastern side of Building 1 (including the service entrance to the grocery store space and the ramp to the parking garage) and the entrances to Building 6. These measures would reduce the risks of damage from current and future coastal hazards. Therefore, the project would meet the applicable requirements intended to reduce risks of damage from current and future coastal hazards, and would be consistent with Policy 6.

Policy 6.2[9]*: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.*

As noted above, Building 1 has been designed to a DFE of 14 feet NAVD88 and Building 6 has been designed to a DFE of 13 feet NAVD88, following the regulations of the *Building Code*. The buildings are expected to have extended lifespans: for the purposes of an assessment of potential effects of climate change and sea level rise (SLR), projections of SLR by 2080 were considered utilizing a SLR planning tool provided by DCP. Based on NPCC projections, the BFE for the Eastern Parcel may rise to between approximately 14 feet NAVD88 (low projection) and approximately 18 feet NAVD88 (high projection) by 2080; the BFE for the portion of the NYCHA Parcel that includes Building 6 may rise to between approximately 13 feet NAVD88 and approximately 17 feet NAVD88. At these elevations, the residential space on the ground floor in Building 1 (at 14 feet NAVD88) may be located at or below the BFE accounting for projected SLR. Similarly, at Building 6, which features residential space on the ground floor at an elevation of approximately 14.68 feet NAVD88, residential space may be located below the BFE at the "high" and "high-mid" SLR levels projected by NPCC. As both Building 1 and Building 6 are located inland (by roughly 300 and 500 feet, respectively) neither building would be subject to increased risk of flooding at Mean Higher High Water when accounting for projected SLR.

As noted above, areas located below the current DFE include commercial space, lobby and circulation space, mechanical space, and parking in Building 1, and the retail space and MTA restroom in Building 6. Currently, a large portion of Building 1's ground floor, including the residential space on the northern side of the building, is located at the current DFE of 14 feet NAVD88, with only portions of the ground floor on the eastern and western building frontages located below the DFE. Therefore, accounting for projected SLR, a

[9] Policy 6 was revised following completion of the FEIS to include consideration of potential effects from climate change and sea level rise, as stated in the current proposed Policy 6.2.

greater portion of the building's ground floor which includes residential space may be vulnerable to flooding. Similarly, a greater portion of Building 6's ground floor, which includes residential space, may be vulnerable to flooding at the higher levels of SLR projections. In the current design, areas below the DFE in both buildings would be protected by wet and dry floodproofing systems, including removable flood barriers. As necessary, additional floodproofing measures would be employed to protect vulnerable areas within the buildings, and the buildings would continue to meet the requirements of the *Building Code*.

Currently, Building 7 (with a ground floor elevation of approximately 16 feet NAVD88) is not located within the 100-year floodplain. As noted above, accounting for high-end projections of SLR, by 2080 the BFE on the NYCHA parcel may rise to up to 17 feet NAVD88, therefore Building 7 may be located within the future 100-year floodplain and portions of the building's cellar and ground floor may be located below the BFE. This would include mechanical, tenant amenity, and storage space in the cellar and residential space on the ground floor. If necessary, based on the future floodplain boundaries and BFE levels resulting from SLR, floodproofing measures would be implemented at Building 7 in order to meet the requirements of the *Building Code*, similar to the measures described above for Buildings 1 and 6. Therefore, with the proposed modifications, the project would be consistent with Policy 6.2.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

Policy 7.2: Prevent and remediate discharge of petroleum products.

As noted in the FEIS, to reduce the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following construction of the project, construction would be undertaken under a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP). The proposed modifications would not affect the construction measures employed for the project, which would continue to comply with the RAP, CHASP, and any other applicable regulations. Therefore, the project would continue to be consistent with these policies.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The proposed modifications would not affect the construction measures employed for the project, and, as stated in the FEIS, demolition of existing structures on the Eastern Parcel and disposal of demolition material would be conducted in accordance with applicable regulatory requirements relating to asbestos, lead-based paint, and polychlorinated biphenyl (PCB)-containing components. Therefore, the project would continue to be consistent with this policy.

Policy 8: Provide public access to, from, and along New York City's coastal waters.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

As noted above, the proposed modifications would eliminate the publically accessible open space on the East PAA. However, the proposed modifications would not affect the shore public walkway, upland connections, or supplemental waterfront public access space that would be introduced by the Halletts Point project. The project would continue to provide 75,396 sf of waterfront public access space as required by zoning. The upland connections would also continue to provide view corridors and public access from 1st Street to the esplanade and the East River. Therefore, the reduction of publically accessible open space in the coastal area as a result of the proposed modifications would be minimal, and the project would continue to be consistent with this policy.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the state and city.

The proposed modifications would only affect the development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel. As described in the FEIS, the development of Buildings 6 and 7 would be facilitated by the disposition of land on the NYCHA Parcel to the Applicant, which is intended to provide revenue to support NYCHA's mission. The proposed modifications would not affect any of the other publicly-owned portions of the Halletts Point project site, which includes Whitey Ford Field and a portion of the Halletts Point Playground. Therefore, the proposed modifications would continue to be consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

As noted above, the proposed modifications would only affect the development of the Eastern Parcel and Buildings 6 and 7 on the NYCHA Parcel, which are not located on the waterfront. The proposed modifications would not affect the shore public walkway, upland connections, or supplemental waterfront public access space that would be introduced by the Halletts Point project, which would continue to provide 75,396 sf of waterfront public access space as required by zoning as well as view corridors and public access from 1st Street to the walkway and the East River. The proposed modifications would not have the potential to result in any significant adverse effects to visual resources. Therefore, the project would continue to be consistent with this policy. ✶